Opening Statement

" An invasion of armies can be resisted, but not an idea whose time has come. (Victor Hugo) "

HOW DO YOU UNDERSTAND A LAW?
Everyone can understand a law - to a greater or lesser degree. My question to you is how do you do it? Articulate for me how you understand a law.

Legal meaning is dynamic not static. It moves from mind to mind over a definite path. The path can be described as follows:

- We dismount legal meaning from its vehicle and import it into our minds
- We process it
- We mount legal meaning onto a vehicle and export it to others.

Do you have a 'system' that imports, processes and exports legal meaning? The emphasis is on the word, 'system'. Or does legal meaning wander into and out of your mind randomly without any rhyme or reason like a drunk on a pub crawl?

THE BLACK BOX
Most have never given the slightest thought to how they import, process and export legal meaning. They cannot articulate how they do it. It seems to happen magically like the sudden appearance of a magician on stage in a puff of smoke. But, let me disabuse you of the notion that magic is at work. Whether you realize it or not, in your head is a "black box" that holds a mechanism that imports, processes and exports legal meaning. The mechanism consists of

1. a model of a law that mirrors the laws that exist outside our heads in the world and
2. a toolkit of techniques that, using the model, do the actual importing, processing and exporting of legal meaning.

The model of a law is akin to a noun and the techniques in the toolkit are akin to verbs.

How well we import, process, and export legal meaning depends on

1. the fidelity between the model of a law inside our heads and the laws that exist outside our heads in the world and
2. on whether the techniques in our tool kits are well-defined or poorly defined.

A high fidelity black box generates a fair and accurate representation of our laws. A low fidelity black box generates only a poor approximation of our laws.

THE FAILURE OF OUR LAW SCHOOLS TO UPGRADE THE BLACK BOXES OF THEIR STUDENTS

Our "black boxes" ought to opened and the mechanism therein inspected, tinkered with and upgraded while students are still in law school. Yet, our law schools do not do this. Their current approach toward upgrading the 'black boxes' of their students is indirect, unscientific and a manifestation of wishful thinking. Judicial opinions, statutes and other laws are thrown at law students in the hope that the load placed on their black boxes will somehow and in someway cause them to magically upgrade themselves. It is a sink or swim method of pedagogy. Students are thrown off the pier into the maelstrom of laws in the hope that exigency teaches the students to swim. A few teach themselves to swim well; most teach themselves to swim poorly; many just sink to the bottom.

The effectiveness of the sink-or-swim method of legal pedagogy is doubtful. Why allow even one student to drown in the maelstrom of laws when there is a way to teach all students to become clear legal thinkers? A direct approach is necessary. A student's "black box" needs to be opened, the low fidelity, untutored mechanism within ripped out and replaced with a new, refined, high fidelity model that unfailingly generates legal understanding. Unfortunately, to borrow the motto of my alma mater, I am a

lone voice in the desert. The need for a change in legal pedagogy is recognized by few. (I am being generous to myself in using the word, 'few'). The momentum of the sink or swim method of legal pedagogy keeps the minds of law schools closed to an alternative approach to teaching students how to understand a law. It may be uncharitable and harsh but I am haunted by the line from the Katha Upanishad that goes *"Abiding in the midst of ignorance, thinking themselves wise and learned, fools go aimlessly hither and thither, like blind led by the blind"*

HOHFELD'S BLACK BOX

Professor Wesley Newcomb Hohfeld attempted to establish a framework within which legal understanding could take place. Many law professors, lawyers and jurists, however, have only a surface familiarity with his doctrine. They recognize his words, 'right', 'no-right', 'duty' and 'privilege'. Unfortunately, the words alone, not their meaning, measure the depth of their understanding. Hohfeld discovered a system of jural opposites and correlatives. However, he derived them by induction from examples of judicial reasoning. He did not deduce them from a theory. Although his jural opposites and correlatives are themselves quite simple and straightforward, his derivation of them is somewhat obtuse and difficult to understand.

OPENING HOHFELD'S BLACK BOX TO SEE HOW IT WORKS

When I was given the opportunity to teach law to a class of high school students. I knew that I would share Hohfeld with them. However, upon thinking about how to do so I realized that teaching Hohfeld to high school students would be impossible without a theory. Merely telling them that jural opposites and correlatives exist would not be enough. I needed a theory to explain why they exist. The reason for the existence of a fact is often as important and interesting as the fact itself. Christopher Columbus is celebrated for discovering that the world is round. Yet, he did not discover why the world is round. Someone else did. Thus, the exigency of teaching drove me to reverse engineer Hohfeld's doctrine. I took him apart and put

him back together again. In the process, I had a number of legal epiphanies. In *A Unified Theory of a Law*, I wish to share them with you. *A Unified Theory of a Law* is the missing theory that gives the body of Hohfeld's doctrine legs.

THE MECHANISM IN A BLACK BOX CALLED A UNIFIED THEORY OF A LAW

A Unified Theory of a Law attempts to make our model of a law more accurate and to define a toolkit of techniques that, using the upgraded model, better import, process and export legal meaning. It is powered by the insight that legal fission is possible. The physics of legal fission postulate that a law can be split into two components 1) its words and 2) its structure. They exist independently of each other. Together they constitute a law. While many have taken notice of the words of a law, knowledge of the structure of a law is still rare. The words, like ornaments, adorn the structure of a law. The words change; but the structure stays the same. Like the DNA of a cell, the structure of a law repeats itself over and over again in every instance of a law. To generate a law's meaning, both its words and its structure cooperate. Anyone who wishes to push meaning into or pull meaning out of a law must be mindful of a law's structure. Any failure to respect the structure of a law generates inscrutable legalese and legal misunderstanding.

A UNIFIED THEORY OF A LAW LEVELS THE PLAYING FIELD MAKING THE ORDINARY LEGAL THINKER EQUAL TO THE LEGAL GENIUS

Anyone of ordinary intelligence even the high school and college student can learn *A Unified Theory of a Law*, and by doing so, elevate his or her understanding of a law to the level of the legal genius. Do not pass this point by without grasping its full significance. Its import is not small. I am making a claim that, on its face, seems preposterous in its extravagance. Yet, I tell you, my claim is true. How is this possible? A law can be likened to a cow that gives the same quantity of milk no matter who does the

milking. A legal genius can milk a law for no more meaning than the ordinary legal thinker who understands *A Unified Theory of a Law*. A law, when properly understood, has only a finite amount of meaning to give. The boundaries that define our knowledge of a law have been discovered, explored and mapped. *A Unified Theory of a Law* is the map.

A UNIFIED THEORY OF A LAW CAN BE LEARNED IN FEWER THAN THREE HOURS

Give *A Unified Theory of a Law* no more than three hours of your time, and, in return, your legal understanding shall be perfected.

CONCLUSION

The first commandment of understanding holds that the finite is easier to understand than the infinite. The infinite is simply too big for us to wrap our minds around. Therefore, the trick to understanding anything is to make anything finite. Number and name it and you can understand it. *A Unified Theory of a Law* applies this commandment to the study of a law. The framework of a law consists of finite number of building blocks. They all have been counted, numbered and named. The number of building blocks is finite and few - a mere handful. Anyone can understand a small number of ideas especially when they are not random and disorganized but arranged systematically into a coherent legal ideology.

A Unified Theory of a Law is a safe harbor that keeps us from becoming confused when buffeted by the dizzying storms of meaningless legalese that rumble and flash all too often across the legal landscape. Physicists have struggled in vain for years to discover a unified theory of everything; lawyers, however, have had better success. We now have *A Unified Theory of a Law* . It teaches that a law is simple, its behavior is regular, and its boundaries have been discovered, explored and mapped. *A Unified Theory of a Law* is the map. Take it with you as you journey through the legal world.

John Bosco
Project Director
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The Facts

Although the number of facts is infinite, *A Unified Theory of a Law* teaches that the best way to arrange them is according to the following principles:

The subject of a law is conduct. Conduct flows. It flows from a Source to a Recipient. Conduct that reaches a Recipient is called consequences. Furthermore, a flow of conduct from Source to Recipient is done in circumstances. Circumstances are the context through which conduct flows. Hence, a flow of conduct from Source to Recipient through circumstances is the factual aspect of a law. The factual mantra of *A Unified Theory of a Law* is conduct flowing from a Source to a Recipient through circumstances. Repeat it over and over again until it falls trippingly from the tongue.

Moreover, conduct flowing from Source to Recipient through circumstances has two important characteristics:

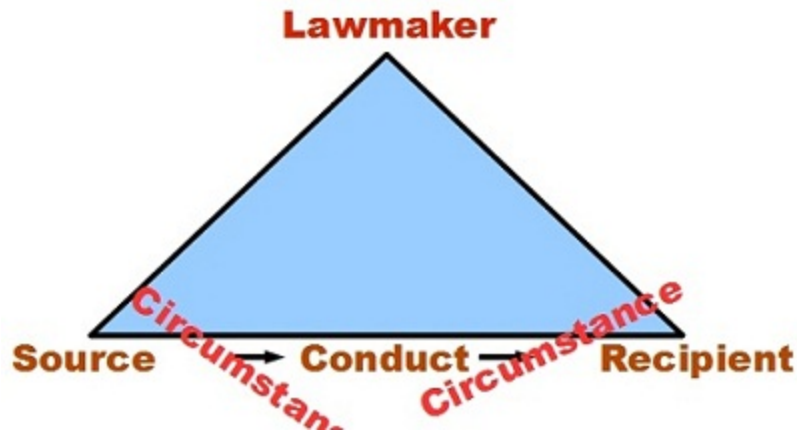
- It is mono-directional. It always flows from a Source to a Recipient. The Source is upstream; the Recipient is downstream. Conduct never flows the other way.
- Furthermore, it has polarity. The flow is either on or off. When on, a flow of conduct is described as being “affirmative”. When off, as “negative”. There is absolutely no difference between affirmative conduct and negative conduct other than its polarity. The function of the word, 'not' in *A Unified Theory of a Law* is simply to reverse the polarity of conduct. 'Not' turns affirmative conduct into negative conduct.

Direction and polarity are the two significant properties of conduct as it flows from Source to Recipient through circumstances.

What proof do we have that the subject of a law is conduct? Have you ever wondered why, in general, there are only two types of litigant in a court of law? Why only a plaintiff and a defendant? Why not more? Why not less? There are two types of litigant in a court of law because the focus of a court a law is conduct and conduct has only two ends. On one of its ends is the Source of conduct - who, in a court, is called a defendant; on the other end

is the Recipient of conduct - who, in a court, is called a plaintiff. If conduct had one end or three ends instead of two, the number of litigants would be a number other than two.

A Unified Theory of a Law has developed a graphic to help you organize the legal ideology being taught. The graphic is called *the Triangle of Law*. As we progress, it is helpful to keep it in mind. There are three relationships in *A Unified Theory of a Law* one of which is factual and two of which are legal. Hence, the geometric shape of a triangle whose three sides represent the three relationships found in *A Unified Theory of a Law*. The factual relationship is depicted at the base of *the Triangle of Law*. The process of making a law is simple. A Lawmaker perched at the acme of *the Triangle of Law* despises conduct flowing from a Source to a Recipient through circumstances and picks one of the three core permutations of a law to apply to it rejecting the other two.



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The Focus of a Lawmaker

The focus of a Lawmaker at the acme of *The Triangle of Law* shifts as she despises conduct flowing from a Source to a Recipient through circumstances at its base. The focus shifts in three ways:

1. A Lawmaker can focus on the Source doing conduct. *(a Source Focused Lawmaker) (this is represented by one of the two legs of the Triangle of a Law)*,
2. A Lawmaker can focus on the Recipient receiving conduct. *(a Recipient Focused Lawmaker) (this is represented by one of the two legs of the Triangle of a Law)*, or,
3. A Lawmaker can be out of focus neither concentrating upon the Source doing conduct nor the Recipient receiving conduct. *(a Neither Focused Lawmaker)*

In observing the process of making a law, it is important to take notice of the focus of a Lawmaker. Legal discourse is always clearer when everyone is focusing upon the same thing. Confusion arises when participants in legal discourse do not share the same focus.

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The Metaphor of Lawmaking

A metaphor helpful to understand the process of making a law is the image of the hands of a Lawmaker grabbing conduct flowing from a Source to a Recipient through circumstances. Hands grabbing conduct - picture them in your mind.

A "hands on" Lawmaker grabs conduct, pushes it from a Source and pulls it to a Recipient through circumstances. A "hands on" Lawmaker interferes and does not leave a flow of conduct alone.

A "hands off" Lawmaker does not grab conduct as it flows from a Source to a Recipient through circumstances. There is no pushing or pulling. A "hands off" Lawmaker leaves a flow of conduct alone.

A "hands on" Lawmaker regulates; a "hands off" Lawmaker deregulates. Commands are "hands on"; push and pull are present. Permissions are "hands off"; push and pull are absent. A duty pushes; a right pulls; a no-duty (a privilege) does not push; a no-right does not pull.

John Bosco
Project Director
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The Formation of a Lawmaker's Opinion

THE TWO STAGES OF THE PROCESS OF MAKING A LAW

The process of making a law takes place in two stages:

1) **Formation** and
2) **Externalization**.

During formation, a Lawmaker forms an opinion about conduct flowing from a Source to a Recipient through circumstances. During externalization, the opinion of the Lawmaker is conveyed.

This chapter is about the first stage of the process of making a law, i.e., Formation.

A LAWMAKER'S OPINION ARISES FROM THE FACTS

Conduct flows from a Source to Recipient through circumstances. These are "the facts". They are depicted at the base of *The Triangle of Law*. A Lawmaker, at the acme of *The Triangle of Law*, despises "the facts" below and forms an opinion about them. What is the nature of the opinion that a Lawmaker forms about conduct flowing from a Source to a Recipient through circumstances?

LIKE, NEUTRALITY, DISLIKE AND THE SPECTRUM OF OPINIONS

The opinion formed by a Lawmaker about conduct flowing from a Source to a Recipient through circumstances is no different than the opinion that we form about anything.

1. We like it,
2. We dislike it or
3. We just don't care.

Furthermore,

1. When a Lawmaker likes conduct, a desire to turn on the flow of conduct arises.
2. When a Lawmaker dislikes conduct, a desire to turn off the flow of conduct arises.
3. When a Lawmaker is indifferent to conduct, harboring neither like nor dislike, no desire with regard to the polarity of conduct arises.

These are the opinions that a Lawmaker forms about conduct flowing from a Source to a Recipient through circumstances. Like results in a desire for affirmative conduct. Dislike results in a desire for negative conduct. With indifference, however, neither a desire for affirmative conduct nor a desire for negative conduct arises. Because indifference is about both affirmative conduct and negative conduct, we can sever it in twain and treat it as two separate opinions instead of one opinion. Moreover, after indifference is severed in twain to produce two separate opinions, we can reorder our list of opinions so the two opinions dealing with turning off the flow of conduct and the two opinions dealing with turning on the flow of conduct are grouped together. Thus, we can rewrite the opinions of a Lawmaker as follows:

1. When a Lawmaker likes conduct, a desire to turn on the flow of conduct arises.
2. When a Lawmaker does not like conduct, a desire to turn on the flow of conduct does not arise.
3. When a Lawmaker does not dislike conduct, a desire to turn off the flow of conduct does not arise.
4. When a Lawmaker dislikes conduct, a desire to turn off the flow of conduct arises.

Instead of organizing the opinions of a Lawmaker vertically into a list, they can be organized horizontally onto a spectrum. The spectrum of opinions looks like this:

Presence of like --- Absence of like --- Absence of dislike --- Presence of dislike.

Of the four opinions, the toughest to understand -- and when understood,

the toughness dissipates -- are the two opinions in the middle of the spectrum of opinions. Why? They represent the absence of a thing. The absence of a thing is harder to understand than the presence of a thing. With presence, a thinker needs only to understand the thing itself. With absence, a thinker needs to understand the thing itself and then overlay it with the concept of absence.

The two opinions in the middle of the spectrum of opinions are negations. They negate the two opinions at the ends. A negation has two functions: 1) it excludes and 2) it points. A negation excludes the opinion negated from our consideration and, because the number of opinions in the universe of a Lawmaker's opinions is only four, points us to the other two opinions. Please note that the other two opinions are always about the opposite polarity of conduct. When a legal thinker encounters either of the two negation opinions, they tell the legal thinker not to look over here at this polarity of conduct but to look over there at the opposite polarity of conduct.

Let me inject a word of warning here. Legal thinkers fall into the trap who think that negation points to only one other opinion. The number of opinions in the universe of opinions available to a Lawmaker is four. When one opinion negates another opinion, two are used up - the negation and the opinion negated - and two are available to the Lawmaker - the two opinions dealing with the opposite polarity of conduct. A Lawmaker who does not like conduct, either dislikes it or does not dislike. A Lawmaker who does not dislike conduct, either likes it or does not like it.

CREATING FOUR HANDLES TO MAKE IT EASIER TO CARRY THE FOUR OPINIONS AROUND

Sometimes the opinions of a Lawmaker are difficult to lift into and out of our understanding. By assigning a number and polarity to each of the four opinions we can build "handles" that make it easier for us to pick them up and carry them around.

Borrowing from the binary language of computers, let us assign the

number, 0, to represent an opinion where like or dislike are absent. 1 will represent an opinion where like or dislike are present. To indicate whether the opinion is about affirmative conduct or about negative conduct, let us use a + sign to indicate affirmative conduct and a - sign to indicate negative conduct. Hence, affirmative conduct has two opinions: +1 and +0. Negative conduct has two opinions: -1 and -0. The 1 opinions are at the ends of the spectrum of opinions and the 0 opinions are at the middle. 0 is used to represent an absence. 1 is used to represent a presence. A 0 opinion of the same polarity as a 1 opinion simply excludes the 1 opinion from our consideration and points to the other two opinions of the opposite polarity.

> +1 = When a Lawmaker likes conduct, a desire to turn on the flow of conduct arises.
> +0 = When a Lawmaker does not like conduct, a desire to turn on the flow of conduct does not arise.
> -0 = When a Lawmaker does not dislike conduct, a desire to turn off the flow of conduct does not arise.
> -1 = When a Lawmaker dislikes conduct, a desire to turn off the flow of conduct arises.

IT TAKES TWO OPINIONS TO MAKE ONE PERMUTATION OF A LAW

The four opinions of a Lawmaker constitute the three permutations of a law. A permutation of a law arises from the opinions of a Lawmaker.

Let me again inject a word of warning. A trap lurks in the path of a legal thinker who does not give the concept of polarity its due. A Lawmaker's opinion has two components: 1) affirmative conduct and 2) negative conduct. To clearly understand a permutation of a law, a legal thinker must consider both affirmative conduct and negative conduct not just one or the other. Many legal thinkers have yet to realize that **IT TAKES TWO OPINIONS TO MAKE ONE PERMUTATION OF A LAW.** Like the double helix of DNA, a pair of opinions constitutes a permutation of a law.

-1	-0	+0	+1
Negative Regulation	**Deregulation or Affirmative Regulation**	**Deregulation or Negative Regulation**	**Affirmative Regulation**
Negative Conduct		Affirmative Conduct	
A Lawmaker dislikes the conduct	A Lawmaker does not dislike the conduct	A Lawmaker does not like the conduct	A Lawmaker likes the conduct
Focus is on neither Source nor Recipient			
A Lawmaker desires that the flow of conduct be turned off	A Lawmaker does not desire that the flow of conduct be turned off	A Lawmaker does desire that the flow of conduct be turned on	A Lawmaker desires that the flow of conduct be turned on
Focus is on the Source			
A Lawmaker desires a Source to	A Lawmaker lacks a desire for a Source to	A Lawmaker lacks a desire for a Source	A Lawmaker desires a Source to

not do the conduct.	not do the conduct.	to do the conduct.	do the conduct.
Focus is on the Recipient			
A Lawmaker desires a Recipient to not receive the conduct.	A Lawmaker lacks a desire for a Recipient to not receive the conduct.	A Lawmaker lacks a desire for a Recipient to receive the conduct.	A Lawmaker desires a Recipient to receive the conduct.

THE SPECTRUM OF OPINIONS FROM WHICH THE THREE PERMUTATIONS OF A LAW ARE MADE

THE THREE PERMUTATIONS OF A LAW ARISE FROM THE PAIRING OF TWO OF THE FOUR OPINIONS OF A LAWMAKER

The chart above entitled the Spectrum of Opinions from which The Three Permutations of a Law Arise consists of four columns entitled, -1, -0, +0, and +1.

Negative Regulation results from a combination of the opinions in column -1 and the opinions in column +0. In negative regulation, a Lawmaker reserves the decision whether or not in engage in a course of negative not affirmative conduct to herself and does not delegate it to a Source of conduct.

Deregulation results from a combination of the opinions in column -0 and the opinions in column +0. In deregulation, a Lawmaker delegates the decision whether or not in engage in a course of negative conduct or affirmative conduct to its Source and does not reserve it to herself.

Affirmative Regulation results from a combination of the opinions in

column +1 and the opinions in column -0. In affirmative regulation, a Lawmaker reserves the decision whether or not in engage in a course of affirmative not negative conduct to herself and does not delegate it to a Source of conduct.

When the opinions of a Lawmaker is combined to make a permutation of a law, understanding is better when all legal thinkers are on the same page, that is, focusing on the same thing. Therefore, combine opinions that share the same focus.

AMBIGUITY AND COEXISTENCE

Because the absence of a desire for a polarity of conduct is one of the two opinions that appears in both Regulation and Deregulation, it is ambiguous alone and tells us nothing about the governing permutation of a law. When only one permutation is examined and the absence of a desire is detected, the opinions of a Lawmaker toward the other polarity of conduct must be looked at to determine the governing permutation. Not so when the presence of a desire for a polarity of conduct is detected. When the presence of a desire for a polarity of conduct is detected, the permutation of a law is immediately known. It is either affirmative regulation or negative regulation. The opinion of a Lawmaker with regard to the opposite polarity is always an absence of a desire because the presence of desires toward both polarities of conduct cannot co-exist. The pairing of a +1 opinion with a -1 opinion is irrational existing only in theory but not in the real world. A Lawmaker cannot want you to do something and want you to not do something simultaneously.

Furthermore, none of the permutations of a law can coexist with each other with regard to the same flow of conduct from Source to Recipient through circumstances. A Lawmaker picks one permutation and rejects the other two. Why? The pair of opinions that underlie each permutation of a law are different for each permutation of a law.

THE CONJUNCTIONS OF LAWMAKING

Because a Lawmaker, during the process of making a law, takes into account both polarities of conduct, it is helpful to take notice of the conjunctions used to join the two polarities of conduct together in a permutation of a law. The conjunction of Regulation is the word, 'not' and the conjunction of Deregulation is the word, 'or'. The opinion of a Lawmaker engaged in affirmative regulation is 'I want affirmative conduct *not* negative conduct'. The opinion of a Lawmaker engaged in negative regulation is 'I want negative conduct *not* affirmative conduct'. The opinion of a Lawmaker engaged in deregulation is 'I don't care whether affirmative conduct *or* negative is done.' In Regulation, the polarity of conduct desired by a Lawmaker is typically the only one expressed. The polarity of conduct not desired is implied. The same is true in Deregulation wherein, typically, only one polarity is expressed and the other implied. This habit is a potential pitfall because it obfuscates the fact that a Lawmaker takes into account both polarities of conduct in each permutation of a law. The habit of expressing only one polarity of conduct and implying the other arises because our view of a legal dispute is often through an adversarial lens. One side takes up one polarity of conduct in their advocacy of a permutation of a law and the other side takes up the opposite polarity. Proponents of 'Thou shall not kill' *(See, the chapters on Vehicles and The Nature and Structure of a Legal Arguments)* are met by opponents who advocate either 'Thou may kill' or 'Thou shall kill'. In this legal argument, the negative polarity of conduct is pitted against the affirmative polarity.

Note:

Synecdoche

Be advised that my usage of the word, 'opinion', is slippery. Technically, a Lawmaker has one opinion about the two polarities of conduct. Each opinion has two components: 1) an affirmative conduct component and 2) a negative conduct component. At times I use the word, opinion, to refer to the opinion itself and at times I use the word, opinion, to refer to its components. Greek rhetoricians, if I am not mistaken, called this

synecdoche, referring to the whole by reference to a part and referring to a part by reference to a whole. As long as you are aware of what is being done, however, this mixed usage does not put understanding at risk.

A LAGNIAPPE WITH COMMENTS

As a lagniappe thrown in to make a baker's dozen is a table using just the symbolic shorthand. As a test for your understanding of the opinions of a Lawmaker, determine whether or not you understand what the table and the comments mean. The use of symbolic shorthand consisting of a limited vocabulary of just four words, +1, +0, -0, and -1, brings mathematical precision to the understanding of the opinions that make up the permutations of a law.

AFFIRMATIVE CONDUCT	NEGATIVE CONDUCT	PERMUTATION OF A LAW
+1	**-0**	**Affirmative Regulation**
+0	**-0**	**Deregulation**
+0	**-1**	**Negative Regulation**

- The opinions available to a Lawmaker are four in number: +1, +0, -0, -1.

- +1 equals like and a desire to turn the flow of conduct on
- -1 equals dislike and a desire to turn the flow of conduct off
- +0 equals an absence of like and an absence of a desire to turn the flow of conduct on
- -0 equals an absence of dislike and an absence of a desire to turn the flow of conduct off
- (+1 or +0) plus (-1 or -0) equals a permutation of a law. This is the equation that makes a permutation of a law
- (+1) plus (-0) equals affirmative regulation
- (+0) plus (-1) equals negative regulation
- (+0) plus (-0) equals deregulation
- In the three permutations of a law more 0 opinions than 1 opinions are found so an understanding of the 0 opinion is important
- There is a 0 opinion in every permutation of a law
- There is a two 0 opinions in 1 of the 3 permutations of a law
- There is a 1 opinion in 2 of the 3 permutations of a law
- There is either a 0 or a 1 for each polarity of conduct
- The 1 opinions occupy the ends of the spectrum of opinions and the 0 opinions occupy the middle.
- -0 excludes -1 and points to +0 and +1
- -0 means not -1 but either +0 and +1
- +0 excludes +1 and points to -0 or -1
- +0 means not +1 but either -0 or -1
- +1 and -1 is an irrational pair of opinions
- a +1 and a -1 cannot coexist
- a +1 only coexists with a -0
- a -1 only coexists with a +0
- a -0 can coexist with a +0 or a +1
- a +0 can coexist with a -0 or a -1
- +0 is an opinion found in both negative regulation and deregulation
- -0 is an opinion found in both affirmative regulation and deregulation
- +0 alone is ambiguous with regard to the permutation of a law
- -0 alone is ambiguous with regard to the permutation of a law
- +1 alone is unambiguous with regard to the permutation of a law
- -1 alone is unambiguous with regard to the permutation of a law
- -1 is an opinion only found in negative regulation
- +1 is an opinion only found in affirmative regulation

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The Externalization of a Lawmaker's Opinion
This chapter is about cracking the shell - freeing the nut.

THE TWO STAGES OF THE PROCESS OF MAKING A LAW

The process of making a law takes place in two stages:

1. Formation and
2. Externalization.

During formation, the opinion of the Lawmaker is formed. During externalization, the opinion is conveyed.

This chapter is about the second stage of the process of making a law, i.e., Externalization.

WHAT IS EXTERNALIZATION?

Externalization deals with the vehicles that convey the opinions of a Lawmaker. Onto a vehicle the opinions of a Lawmaker are mounted to convey them to the citizenry. Upon arrival, the opinions are dismounted from their vehicles so the citizenry can learn what their Lawmaker thinks about conduct flowing from a Source to a Recipient through circumstances.

THE RELATIONSHIP BETWEEN OPINIONS , VEHICLES AND PERMUTATIONS OF A LAW

Available to a Lawmaker are four opinions. A pair of them make up any single permutation of a law. There is not a vehicle for each opinion. There is a vehicle for each permutation of a law. Actually, there are three vehicles for each permutation of a law when the focuses (foci) of a Lawmaker are taken into account.

The Regulation of Affirmative Conduct

The vehicles that convey the opinion of a Lawmaker at each of the three focuses (foci) for Affirmative Regulation are

- **A Command for affirmative conduct**. This vehicle conveys the opinion that a Lawmaker wants to turn on a flow of conduct. The Lawmaker wants affirmative not negative conduct. The "hands on" Lawmaker grabs the affirmative conduct, pushes it and pulls it.
- **A duty to do affirmative conduct**. This vehicle conveys the opinion that a Lawmaker wants a Source to do affirmative conduct. The "hands on" Lawmaker grabs the affirmative conduct and pushes it from a Source to a Recipient.
- **A right to receive affirmative conduct**. This vehicle conveys the opinion that a Lawmaker wants a Recipient to receive affirmative conduct. The "hands on" Lawmaker grabs the affirmative conduct and pulls it to a Recipient from a Source.

Deregulation

The vehicles that convey the opinion of a Lawmaker at each of the three focuses (foci) for Deregulation are

- **A Permission for affirmative or negative conduct**. This vehicle conveys the opinion that a Lawmaker lacks a desire to turn on a flow of conduct and lacks a desire to turn off a flow of conduct. The Lawmaker lacks a desire for either polarity of conduct. The "hands off" Lawmaker does not grab the conduct, does not push it and does not pull it. The Lawmaker lets the conduct alone.
- **A no-duty to do affirmative or negative conduct**. This vehicle conveys the opinion that a Lawmaker lacks a desire for a Source to do affirmative conduct and lacks a desire for a Source to do negative conduct. The "hands off" Lawmaker does not grab either polarity of conduct and does not push it from a Source to a Recipient. The Lawmaker lets the conduct alone.
- **A no-right to receive affirmative or negative conduct**. This vehicle conveys the opinion that a Lawmaker lacks a desire for a Recipient to

receive either polarity of conduct. The "hands off" Lawmaker does not grab the conduct and does not pull it to a Recipient from a Source. The Lawmaker lets the conduct alone.

The Regulation of Negative Conduct
The vehicles that convey the opinion of a Lawmaker at each of the three focuses (foci) for Negative Regulation are

- **A Command for negative conduct**. This vehicle conveys the opinion that a Lawmaker wants to turn off a flow of conduct. The Lawmaker wants negative not affirmative conduct. The "hands on" Lawmaker grabs the flow of conduct, pushes it and pulls it.
- **A duty to do negative conduct**. This vehicle conveys the opinion that a Lawmaker wants a Source to do negative conduct. The "hands on" Lawmaker grabs the negative conduct and pushes it from a Source to a Recipient.
- **A right to receive negative conduct**. This vehicle conveys the opinion that a Lawmaker wants a Recipient to receive negative conduct. The "hands on" Lawmaker grabs the negative conduct and pulls it to a Recipient from a Source.

The Marriage of an Opinion and a Vehicle
The pair of opinions is the definition of the vehicle that conveys them. Do not divorce one from the other. Divorce leads to misunderstanding.

Note: Often only one polarity of conduct is expressed in a vehicle. This tends to make us forget that there are two opinions in every permutation of a law. Be forewarned.

John Bosco
Project Director
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The Three Permutations of a Law

A SYSTEM

As proof that the ideas of *A Unified Theory of a Law* systematically arrange themselves into a coherent legal ideology, a table has been created showing the connections amongst the three permutations of a law, who decides whether or not to engage upon a course of conduct, the two polarities of conduct, the metaphors that help us understand the opinions of a Lawmaker, the opinions of a Lawmaker themselves, and the vehicles that convey the opinions.

The Three Permutations of a Law

Regulation	Deregulation		Regulation
Affirmative	Affirmative	Negative	Negative
Decision Maker = Lawmaker	Decision Maker = Source		Decision Maker = Lawmaker
Affirmative Conduct **On** is the conduct flowing from a Source to a Recipient through circumstances		Negative Conduct **Off** is the conduct flowing from a Source to a Recipient through circumstances	
Hands On A Lawmaker grabs conduct, pushes it from a Source and pulls it to a Recipient	Hands Off No grabbing, no pushing, no pulling. A Lawmaker leaves it alone.	Hands Off No grabbing, no pushing, no pulling. A Lawmaker leaves it alone.	Hands On A Lawmaker grabs conduct, pushes it from a Source and pulls it to a Recipient
A Lawmaker desires that the flow of conduct be turned on, that the Source do the affirmative conduct and the Recipient receive it.	A Lawmaker lacks a desire for affirmative conduct	A Lawmaker lacks a desire for negative conduct.	A Lawmaker desires that the flow of conduct be turned off, that the Source do the negative conduct and the Recipient receive it.
Command Duty <---> Right	Permission No-duty <---> No-right		Command Duty <--->Right

THE CURRENCY OF A LAWMAKER

An analogy helpful to understand what a Lawmaker does in the process of making a Law is currency. The currency that a Lawmaker gets to "spend" during the process of making a law consists of three (3) coins. The names of the three (3) coins are:

- Affirmative Regulation
- Deregulation and
- Negative Regulation

Each coin has three sides: two outsides and a middle. The coins have three sides because a Lawmaker has three focuses (foci). One side is for a Lawmaker who focuses on the Source doing conduct. Another side is for a Lawmaker who focuses on the Recipient receiving conduct. The middle is reserved for a Lawmaker whose focus is amorphous on neither or both the Source nor the Recipient. Each side holds 1) a Lawmaker's opinion, 2) the vehicle used by the Lawmaker to convey the opinion and 3) the metaphor that helps explain the opinion.

A Lawmaker engages in lawmaking by "applying" one of the three coins to conduct flowing from a Source to a Recipient through circumstances. The three (3) coins are the only things that a Lawmaker can "spend" in making a law.

Hence, it is helpful to keep these four objects in mind. Three coins and one instance of conduct flowing from Source to Recipient through circumstances. The process of Lawmaking involves these four objects.

OCCAM'S RAZOR AND THE LAWMAKING PROCESS

The doctrine of Occam’s Razor holds that the simplest solution is often the best solution. Therefore, if three (3) coins are sufficient to give our minds a high fidelity model of the lawmaking process then there is no need for any more. In short, any additional "coins" would be counterfeit.

John Bosco
Project Director
The Legal Literacy Project

The Decision Maker

Who decides? The Lawmaker or the Source of conduct. The primary characteristic of the process of making a law is who gets to make the decision about whether or not to engage in a course of conduct.

Sometimes, a Lawmaker wants to make the decision for the Source. This is called regulation. With regulation, the Source has no choice but the Lawmaker's. The Lawmaker substitutes his decision for the Source's.

At other times, a Lawmaker does not want to regulate either the affirmative conduct or the negative conduct. When there is an absence of intervention by a Lawmaker in both affirmative and negative conduct, a Lawmaker is allowing the Source of conduct to make the decision. This is called deregulation. In deregulation, the Source has autonomy, liberty and freedom. It is up to the Source to decide.

You cannot tell whether or not a Lawmaker has put the decision whether or not to engage in conduct into the hands of a Source of conduct or reserved it to himself without looking at the pair of opinions a Lawmaker forms about each polarity of conduct. It is only when a Lawmaker desires not to intervene with regard to both polarities that the decision whether or not to engage in conduct is the Source's to make.

Note:
Legality versus Illegality
Conduct is legal in two ways but illegal in only one. Conduct is legal if it is done or not done in accordance with a permission or a command. Conduct is illegal only if it is done or not done contrary to a command. It is legal for a motorist to drive through a green traffic light not because a Lawmaker has permitted a motorist to do so but because a Lawmaker has required a motorist to do so.

John Bosco
Project Director
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Matter and Antimatter

Matter and Antimatter annihilates each other. So does a permission and a command. Although it is legal for a motorist to drive through a green light. It is legal because it is mandatory not because it is permissible.

Why is it not both? Why can it not be said that a Lawmaker issues a permission allowing a motorist to drive through a green light and a command ordering a motorist to drive through a green light? Why cannot "Thou may drive through a green light" and "Thou shall drive through a green light" coexist?

Driving through a green light is the affirmative polarity of conduct.

Viewing this affirmative polarity of conduct in the 'context' of the **METAPHOR** of Lawmaking, a Lawmaker can be either "hands on" or "hands off" with regard to it. A Lawmaker cannot be "hands on" and "hands off" at the same time. Holding the opinion that a motorist is both commanded and permitted to drive through a green light is saying that a Lawmaker can be "hands on" and "hands off" at the same time. Impossible.

Viewing this affirmative polarity of conduct in the 'context' of the **OPINION** of a Lawmaker, a Lawmaker either possesses a desire that the affirmative conduct be done or lacks a desire that the affirmative conduct be done. A Lawmaker cannot possess and lack a desire simultaneously. Holding the opinion that a motorist is both commanded and permitted to drive through a green light is saying that a Lawmaker can both harbor a desire and lack a desire at the same time. Impossible.

Viewing this affirmative polarity of conduct in the 'context' of the **VEHICLES** a Lawmaker uses to convey her opinion, a Lawmaker either issues a command that the affirmative conduct be done (Affirmative Regulation) or issues a permission allowing the doing of the affirmative conduct and the doing of the negative conduct (Deregulation). Holding the opinion that a motorist is both commanded and permitted to drive through a green light is saying that a Lawmaker can issue both a command and a permission with regard to the same polarity of conduct. Impossible.

A Lawmaker always addresses both polarities of conduct in any permutation of a law. Those who maintain that "Thou may drive through a green light" and "Thou shall drive through a green light" can coexist, ignore this principle. There is no such thing as a half permission. Either a Lawmaker delegates the decision whether to go or stop at a green light to a Source doing conduct via Deregulation or reserves the decision for herself via Regulation. There is no in between.

There is a real difference between a command and a permission. A permission is not a command and a command is not a permission. Sadly, our law schools do not make this distinction clear and, hence, many lawyers do not fully understand the difference.

John Bosco
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Extrapolation

The relationships of *A Unified Theory of a Law* can be depicted on *The Triangle of Law* because its three main characters - Lawmaker, Source and Recipient - give rise to three relationships, two of which are legal and one of which is factual.

A Lawmaker exists solely in the legal world. A Source and a Recipient can exist in both the factual and the legal world. They enter the legal world when a Lawmaker binds a token to them. Before a lawmaker binds a token to them, they exist solely in the factual world.

When a lawmaker binds a legal token - a duty, privilege (no-duty), right or no-right - to someone other than a Source or a Recipient, the lawmaker is engaged in extrapolation.

Beware of Extrapolation. It is usually pathological. The legal situation can often be reinterpreted to conform to the doctrine of *A Unified Theory of a Law* instead of warping it.

One example of a legal thinker trying to warp the doctrine of *A Unified Theory of a Law* occurs when an attempt is made to disconnect a Source from a Recipient in a flow of conduct. A flow of conduct from a Source to a Recipient in circumstances is implacable. Therefore, it is factually impossible to disconnect its Source and Recipient. Hence, when a legal thinker wants to give the Source a duty to do the affirmative conduct but give the Recipient a no-right to receive the affirmative conduct, *A Unified Theory of a Law* tells us that this is impossible. A Lawmaker can either turn the flow of conduct on, or turn it off or not care whether it is on or off. A Lawmaker cannot make the flow of conduct do a U turn. [Note: when the flow of conduct is itself reflexive a U turn is possible but not because a Lawmaker is making it so]

A Lawmaker who wants a Source to do affirmative conduct also wants a Recipient to receive affirmative conduct whether the Lawmaker likes it or not.

A Lawmaker who does not care whether or not a Source does either polarity of conduct also does not care whether or not a Recipient receives either polarity of conduct, whether the Lawmaker likes it or not.

A Lawmaker who wants a Source to do negative conduct also wants a Recipient to receive negative conduct whether the Lawmaker likes it or not.

With regard to the same flow of conduct from Source to Recipient through circumstances, a Lawmaker cannot simultaneously issue a command to turn on the flow, a command to turn off the flow and a permission allowing the flow to be on or off. This would be a conflict of laws. Only one permutation can exist at a time. King Cnut , a lawmaker of old, knew that some things were impossible.

John Bosco
Project Director
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Expression
The sentence best adapted to communicate a law is a three clause sentence. It has a main clause, an if clause and an even though clause

When it comes to legal expression, it is often best to use a sentence with three clauses:

- a *main clause*,
- an *if clause*, and
- an *even though clause*.

In the *main clause* is expressed the command or permission and hence, one of the legal tokens, i.e., the right, duty, no-right or privilege.

In the *if clause* is placed any circumstance necessary and sufficient to trigger the main clause.

In the *even though clause* is placed any unnecessary circumstances.

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Evaluation

After *A Unified Theory of a Law* is employed to visualize the three permutations of a law available to a Lawmaker with regard to any particular instance of conduct flowing from a Source to a Recipient through circumstances, the real debate begins. What are the merits and demerits of each permutation of a law? Why prefer one permutation over another? Why is a permutation good? Why is a permutation bad? What will a permutation of a law accomplish? What won't it accomplish? The evaluation of the permutations of a law for their virtues and vices is where energy ought to be expended. These are the hard questions that *A Unified Theory of a Law* cannot answer.*A Unified Theory of a Law* makes the issue clear. Only our hearts and souls can provide the answers to the hard questions.

Closing Statement

" "The poet's eye, in a fine frenzy rolling, doth glance from heaven to earth, from earth to heaven; And, as imagination bodies forth the forms of things unknown, the poet's pen turns them to shapes, and gives to airy nothing a local habitation and a name." Shakespeare's A Midsummer Night's Dream" (5.1.7-12)"

The imagination of legal scholars over the centuries has bodied forth, to paraphrase Shakespeare, the forms of legal things unknown. In *A Unified Theory of a Law*, they are given a local habitation and a name. *A Unified Theory of a Law* does not present them to you randomly floating independently in a hodgepodge of disorganized ideas. *A Unified Theory of a Law* organizes them and then presents them to you as parts of a coherent legal system.

The system that is *A Unified Theory of a Law* is well-defined. Please do not pass blithely over the word, 'system', as though it is unimportant. It is very important. Ask yourself, "What system do you use to import, process and export legal meaning?" In all likelihood, you do not have a system. Your law school left a gaping hole in your legal education that the proverbial truck can be driven through. Instead of taking umbrage at my exposing the hole in your legal education, fill the hole with *A Unified Theory of a Law* or any alternative doctrine - if you can find it - that systematically imports, processes and exports legal meaning.

In the first half of the nineteenth century, the Danish author, Hans Christian Andersen, wrote a story called, “The Emperor’s New Clothes”. Anderson told a tale of a king and a kingdom who deceived themselves into thinking that an imaginary set of clothes were real. When a guileless boy, upon seeing the king *dressed* in the imaginary set of clothes, exclaimed, **“But he hasn't got anything on"**, the bubble of belief was burst and the illusion shattered.

Andersen’s story is an allegory for lawyers.

Too many of the laws that govern us are naked of meaning. Yet, we have convinced ourselves otherwise. *A Unified Theory of a Law* opens your eyes

like the guileless boy in Anderson's story so you won't fool yourself into thinking that the meaningless is meaningful.

"An invasion of armies can be resisted,
but not an idea whose time has come.

Victor Hugo"

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Project Director
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The Periodic Table of the Elements of a Law

The Periodic Table of the Elements of a Law

Regulation

Opinion
Present in a Lawmaker is a desire that a flow of conduct be turned on or off

Vehicle
A command

Metaphor
A Lawmaker puts his **hands on** a flow of conduct, pushes it from a Source to a Recipient and pulls it to a Recipient from a Source through circumstances
(A1)

Opinion A Lawmaker desires a Source do affirmative or negative conduct **Vehicle** A duty to do affirmative or negative conduct **Metaphor** The Lawmaker pushes conduct from a Source to a Recipient through circumstances **(A2)**	**Opinion** A Lawmaker desires a Recipient to receive affirmative or negative conduct **Vehicle** A right to receive affirmative or negative conduct **Metaphor** The Lawmaker pulls conduct to a Recipient from a Source through circumstances **(A3)**

Deregulation

Opinion
Absent in a Lawmaker is a desire that a flow of conduct be turned on or off

Vehicle
A permission

Metaphor
A Lawmaker is **hands off** and does not grab, push or pull a flow of conduct from Source to Recipient through circumstances
(B1)

Opinion A Lawmaker lacks a desire for a Source to do affirmative or negative conduct. **Vehicle** A privilege (a no-duty) to do affirmative or negative conduct **Metaphor** The Lawmaker does not push conduct from a Source to a Recipient through circumstances **(B2)**	**Opinion** A Lawmaker lacks a desire for a Recipient to receive affirmative or negative conduct **Vehicle** A no-right to receive affirmative or negative conduct **Metaphor** The Lawmaker does not pull conduct to a Recipient from a Source through circumstances **(B3)**

Glossary of a Unified Theory of a Law
Here is a glossary. Use it to understand the meaning of the terminology used in a Unified Theory of a Law

ACME
The acme of *the Triangle of a Law* is the perch from which a Lawmaker despises conduct flowing from a Source to a Recipient through circumstances at the base below. It is the top of *the Triangle of a Law*. Below at the corners of the base are a Source doing conduct and a Recipient receiving conduct.

AFFIRMATIVE
Conduct is affirmative when its flow is on.

BASE
The base of *the Triangle of a Law* is where the facts are located. The optimal arrangement of the facts in *A Unified Theory of a Law* is as conduct flowing from a Source to a Recipient through circumstances. At he base of *the Triangle of a Law*, the Source doing conduct is at one end and at the other end is a Recipient receiving conduct. The conduct flows from a Source to a Recipient through circumstances.

BENEFIT AND BURDEN
Conduct flowing from a Source to a Recipient through circumstances can carry to a Recipient benefits and burdens. A Recipient has a right when a Lawmaker wants a Recipient to receive conduct regardless of whether the conduct carries a benefit or a burden to the Recipient. In other words, the factual benefit or burden of a flow of conduct is irrelevant to the definition of a command, duty, right, permission, privilege (no-duty) and no-right. A Lawmaker who wants a Recipient to receive conduct carrying horrible consequences still bestows a right upon the Recipient.

BINDING

Binding occurs when a Lawmaker gives one of the four tokens - a duty, a privilege (no-duty), right or no-right - to a Source or to a Recipient. Think of a general pinning a medal onto the tunic of a soldier.

CIRCUMSTANCES

Circumstances are the facts that surround a flow of conduct from a Source to a Recipient. They are the context in which conduct flows. Conduct flows through them.

COMMAND

A command is a vehicle that carries a Lawmaker's opinion to the citizenry. It is used when the focus of a Lawmaker is broad upon all of the conduct flowing from Source to Recipient through circumstances. It is synonymous with a duty and a right, which are vehicles used when a Lawmaker narrows her focus. A command, duty and a right are the three vehicles of Regulation. It means that a Lawmaker holds a desire for affirmative conduct or a Lawmaker holds a desire for negative conduct.

CONDUCT

At one end of a flow of conduct is a Source; at the other end is a Recipient. In short, conduct has two ends. This is mirrored in a Court by a Plaintiff and a Defendant. The Defendant is the Source and the Plaintiff is the Recipient. Conduct flows. It is the thoughts, words and deeds that flow from a Source to a Recipient through circumstances. The flow of conduct has the property of polarity. It is either flowing or not flowing. When the flow of conduct is on, the conduct is affirmative. When the flow of conduct is off, the conduct is negative. Conduct also possess the property of direction. The flow of conduct is mono-directional. It always flows from a Source to a Recipient. The Source is upstream; the Recipient downstream. When we talk about a particular instance of conduct, we use the gerundial form of the verb e.g. driving.

CONJUNCTIONS OF REGULATION AND DEREGULATION

'OR' is the conjunction of Deregulation and 'NOT' the conjunction of Regulation. They join together affirmative conduct and negative conduct. 'OR' indicates that both permutations of conduct are available to a Source doing conduct. 'NOT' indicates the permutation of conduct that a Lawmaker does not desire. These conjunctions are important because they emphasize the fact that each permutation of a law is made from a Lawmaker's opinion about both polarities of conduct. In other words, it takes two opinions to make one permutation of a law.

CONSEQUENCES

Conduct that arrives at a Recipient is known as consequences.

DECISION TO ENGAGE IN A COURSE OF CONDUCT

The hallmark of the process of making a law is who decides whether or not to engage on a course of conduct: the Lawmaker or the Source. A Lawmaker either reserves the decision to himself or delegates it to the Source. Regulation occurs when a Lawmaker reserves the decision to himself. Deregulation occurs when a Lawmaker delegates the decision to a Source.

DEREGULATION

Deregulation is one of the three permutations of a law. The other two are Affirmative Regulation and Negative Regulation. A Lawmaker applies one of the three permutations of a law to any single instance of conduct flowing from Source to Recipient through circumstances. In Deregulation a Lawmaker lacks a desire for affirmative conduct and lacks a desire for negative conduct. The vehicles that convey Deregulation are a permission, privilege (no-duty) and no-right. A Lawmaker issues a permission and binds a privilege (no-duty) to a Source doing conduct and a no-right to a Recipient receiving conduct. In Deregulation a Lawmaker is "hands off". There is no pushing of conduct from a Source. There is no pulling of conduct to a Recipient. The Lawmaker leaves the conduct alone. In Deregulation, the Source doing conduct decides whether to engage in a

course of conduct. The Lawmaker delegates the decision to the Source doing conduct. The Lawmaker does not reserve the decision to himself.

Note: Every permutation of a law consists of two opinions. The presence of a desire toward one polarity of conduct discloses the permutation of a law. However the absence of a desire toward one polarity of conduct is ambiguous. It does not disclose the permutation of a law. When an absence of a desire is detected both polarities of conduct must be examined to determine the permutation of a law.

DESIRE FOR AFFIRMATIVE CONDUCT - ABSENT

In the process of making a law, a Lawmaker forms opinions about both polarities of conduct flowing from a Source to Recipient through circumstances. One of the four opinions is the absence of a desire for affirmative conduct. Narrowing the focus of a Lawmaker to the Source we can phrase this by saying that a Lawmaker lacks a desire for a Source to do affirmative conduct. Narrowing the focus of a Lawmaker to the Recipient we can phrase this by saying that a Lawmaker lacks a desire for a Recipient to receive affirmative conduct. It takes two opinions to constitute a permutation of a law. Both polarities of conduct must be consider by a Lawmaker who is making a law. When a desire for affirmative conduct is absent it is impossible to tell the permutation of a law. The absence of a desire is ambiguous. The other polarity of conduct must be examined. If the absence of a desire for affirmative conduct is coupled with the absence of a desire for negative conduct, a Lawmaker is engaged in Deregulation. If the absence of a desire for affirmative conduct is coupled with the presence of a desire for negative conduct, a Lawmaker is engaged in Negative Regulation.

DESIRE FOR AFFIRMATIVE CONDUCT - PRESENT

In the process of making a law, a Lawmaker forms opinions about both polarities of conduct flowing from a Source to Recipient through circumstances. One of the four opinions is the presence of a desire for affirmative conduct. Narrowing the focus of a Lawmaker to the Source we can phrase this by saying that a Lawmaker desires a Source to do affirmative conduct. Narrowing the focus of a Lawmaker to the Recipient we can phrase this by saying that a Lawmaker desires a Recipient to receive affirmative conduct. It takes two opinions to constitute a permutation of a law. Both polarities of conduct must be consider by a Lawmaker who is making a law. The presence of a desire, however, is unambiguous. The presence of a desire for affirmative conduct is accompanied only by an absence of a desire for negative conduct. When a desire for affirmative conduct is present, the Lawmaker is engaged in Affirmative Regulation.

DESIRE FOR NEGATIVE CONDUCT - ABSENT

In the process of making a law, a Lawmaker forms opinions about both polarities of conduct flowing from a Source to Recipient through circumstances. One of the four opinions is the absence of a desire for negative conduct. Narrowing the focus of a Lawmaker to the Source we can phrase this by saying that a Lawmaker lacks a desire for a Source to do negative conduct. Narrowing the focus of a Lawmaker to the Recipient we can phrase this by saying that a Lawmaker lacks a desire for a Recipient to receive negative conduct. It takes two opinions to constitute a permutation of a law. Both polarities of conduct must be consider by a Lawmaker who is making a law. When a desire for negative conduct is absent it is impossible to tell the permutation of a law. The absence of a desire is ambiguous. The other polarity of conduct must be examined. If the absence of a desire for negative conduct is coupled with the absence of a desire for affirmative conduct, a Lawmaker is engaged in Deregulation. If the absence of a desire for negative conduct is coupled with the presence of a desire for affirmative conduct, a Lawmaker is engaged in Affirmative Regulation.

DESIRE FOR NEGATIVE CONDUCT - PRESENT

In the process of making a law, a Lawmaker forms opinions about both polarities of conduct flowing from a Source to Recipient through

circumstances. One of the four opinions is the presence of a desire for negative conduct. Narrowing the focus of a Lawmaker to the Source we can phrase this by saying that a Lawmaker desires a Source to do negative conduct. Narrowing the focus of a Lawmaker to the Recipient we can phrase this by saying that a Lawmaker desires a Recipient to receive negative conduct. It takes two opinions to constitute a permutation of a law. Both polarities of conduct must be consider by a Lawmaker who is making a law. The presence of a desire, however, is unambiguous. The presence of a desire for negative conduct is accompanied only by an absence of a desire for affirmative conduct. When a desire for negative conduct is present, the Lawmaker is engaged in Negative Regulation.

DESPISE

Take away the negative connotation and despise signifies that a Lawmaker looks down from his perch at the acme of the Triangle of a Law to the conduct flowing from a Source to a Recipient through circumstances at its base. One can imagine how the meaning of despise acquired its negative connotation when one thinks about the arrogance of many Lawmakers who prefer to place burdens on others and not upon themselves.

DIRECTION

Direction is a property of a flow of conduct from Source to Recipient through circumstances. The flow of conduct is one way, i.e., mono-directional. The Source is upstream; the Recipient is downstream.

DUTY

A duty is a vehicle that carries a Lawmaker's opinion to the citizenry. it is used when the focus of a Lawmaker is upon a Source. A Lawmaker binds a duty onto a Source. It is synonymous with a command and a right. A duty, command and right are the three vehicles of Regulation. It means that a Lawmaker wants a Source to do either affirmative or negative conduct.

EVEN THOUGH CLAUSE OF A THREE PART SENTENCE

The even though clause of a three part sentence holds facts that are irrelevant for the main clause of a three part sentence to operate. The other parts of a three part sentence are a main clause and an if clause.

EXTERNALIZE
Externalization is one of the two stages of the process of making a law. Having formed an opinion with regard to the polarities of a flow of conduct in the first stage of the process of making a law, a Lawmaker externalizes the opinion formed by placing it on a vehicle that carries them to the citizenry. Externalization deals with the vehicles that carry a Lawmaker's opinion to the citizenry. Regulation and Deregulation have their own vehicles and the number of them is three. The vehicles of Regulation are synonymous with each other; the vehicles of Deregulation are also synonymous with each other. There are three because the focus of a Lawmaker is three, that is, there is a vehicle for each of the focuses (foci) of a Lawmaker. Command, duty, right are the vehicles of Regulation. Permission, privilege (no-duty) and no-right are the vehicles of Deregulation.

EXTRAPOLATION
Extrapolation occurs when a Lawmaker binds a right, duty, no-right or privilege (no-duty) to someone other than a Source or a Recipient.

FACTS
Although the number of facts is infinite, the best way to arrange them is as conduct flowing from a Source to a Recipient through circumstances.

FLOW
Conduct flows from a Source to Recipient through circumstances. In other words, conduct is dynamic not static. It is either on or off. When on, conduct is affirmative; When off, conduct is negative.

FOCUS

Focus is the target of scrutiny of a Lawmaker who despises conduct flowing from a Source to a Recipient through circumstances. From the acme of *The Triangle of Law*, a Lawmaker focuses upon a Source doing conduct or a Recipient receiving conduct. These focuses (foci) are represented by the legs of *The Triangle of Law*. The focus of a Lawmaker, however, may not be concentrated on a Source or a Recipient. It may be broader, more amorphous. It may try to take in conduct in its entirety as it flows from a Source to a Recipient through circumstances. In short, the focus of a Lawmaker shifts from Source, to Recipient, to neither Source nor Recipient. Three, therefore, is the number of focuses (foci) of a Lawmaker.

"HANDS OFF" LAWMAKER

A **METAPHOR** helps us to understand what a Lawmaker does and does not do in Regulation and Deregulation. The image of the metaphor involves the hands of a Lawmaker and conduct. A "hands off" Lawmaker leaves conduct alone. A "hands off" Lawmaker does not grab conduct. There is no pushing of conduct from a Source. There is no pulling of conduct to a Recipient. A "hands off" Lawmaker is engaged in Deregulation. See also, "hands on" Lawmaker.

"HANDS ON" LAWMAKER

A **METAPHOR** helps us to understand what a Lawmaker does and does not do in Regulation and Deregulation. The image of the metaphor involves the hands of a Lawmaker and conduct. A "hands on" Lawmaker grabs the throat of conduct, pushes it from a Source and pulls it toward a Recipient. A "hands on" Lawmaker does not leave conduct alone. A "hands on" Lawmaker is engaged in Regulation. See also, "hands off" Lawmaker.

IF CLAUSE OF A THREE PART SENTENCE

The if clause of a three part sentence holds facts that are necessary and sufficient for the main clause of a three part sentence to operate. The other parts of a three part sentence are a main clause and an even though clause.

ILLEGALITY

Conduct is legal in two ways but illegal in only one. Conduct is legal if done or not done in accordance with a permission or a command. In other words, conduct is legal if the conduct is mandatory or if the conduct is permissible. Being mandatory and being permissible are two entirely different things. Conduct is illegal if done or not done contrary to a command.

A LAW

A Law is the fruit of a process in whose first stage a Lawmaker forms an opinion about the two polarities of conduct flowing from a Source to a Recipient through circumstances and in whose second stage the opinion formed is externalized by loading it onto a vehicle for conveyance to the citizenry. A Law with regard to any particular instance of conduct flowing from a Source to a Recipient through circumstances comes in any of three permutations: 1) Affirmative Regulation, 2) Deregulation and 3) Negative Regulation.

LAWMAKER

A Lawmaker is the person who picks one permutation of a law from a total of three and applies it to conduct flowing from a Source to a Recipient through circumstances. A Lawmaker is perched at the acme of the Triangle of a Law and despises the facts at its base.

LAWMAKING

The process of making a law consists of a Lawmaker forming an opinion about the two polarities of conduct flowing from a Source to a Recipient through circumstances and, having formed an opinion, externalizing it by loading it onto a vehicle for conveyance to the citizenry. The process boils down to a Lawmaker picking one of the three permutations of a law and applying it to the facts. A legal thinker needs to be mindful of the following in trying to understand a law:

- the **OPINION** of a Lawmaker (four are possible and two - one for each polarity - are needed to constitute a permutation of a law),

- the **VEHICLES** that convey the opinion of a Lawmaker (there are three for Regulation and three for Deregulation),
- the **METAPHOR** helping us to understand what a Lawmaker does and does not do in Regulation and Deregulation and
- the **FOCUS** of a Lawmaker on conduct flowing from a Source to a Recipient through circumstances (there are three).

A law can be discussed within any of these four "contexts" and it is helpful to the legal thinker to know in which context she is located when talking about a law.

LEAVE IT ALONE

A **METAPHOR** helps us to understand what a Lawmaker does and does not do in Regulation and Deregulation. The image of the metaphor involves the hands of a Lawmaker and conduct. Leaving it alone explains what a Lawmaker is not doing during Deregulation. During Deregulation the Lawmaker leaves the conduct alone. There is no push. There is no pull. The Lawmaker is "hands off". A Lawmaker lacks a desire for affirmative conduct and lacks a desire for negative conduct.

LEGALITY

Conduct is legal in two ways but illegal in only one. Conduct is legal if done or not done in accordance with a permission or a command. Conduct is illegal if done or not done contrary to a command. In other words, conduct is legal if the conduct is mandatory or if the conduct is permissible. Being mandatory and being permissible are two entirely different things.

LEGAL DISCOURSE, RECOMMENDATIONS

Talking about a law is different than talking about a cheese or talking about a car. Although a law is simple, its nature is different than a cheese or a car. Therefore, it is recommended that the legal thinker be mindful of the "context" of any legal discourse. All legal discourse that takes place within four "contexts":

- the **OPINION** of a Lawmaker (four are possible and two - one for each polarity - are needed to constitute a permutation of a law),
- the **VEHICLES** that convey the opinion of a Lawmaker (there are three for Regulation and three for Deregulation),
- the **METAPHOR** helping us to understand what a Lawmaker does and does not do in Regulation and Deregulation and
- the **FOCUS** of a Lawmaker on conduct flowing from a Source to a Recipient through circumstances (there are three).

It is important for a legal thinker to be aware of the "context" of a legal discussion. All too often, participants blunder from one context to another context haphazardly. For instance, one participant in legal discourse may be focusing on the Source doing conduct while another upon the Recipient receiving conduct. This leads to confusion. Shifting from context to context is fine if it is done purposefully.

LEGAL FISSION

A Unified Theory of a Law is powered by the insight that legal fission is possible. The physics of legal fission postulate that a law can be split into two components: 1) its words and 2) its structure. They exist independently of each other. Together they constitute a law. While many have taken notice of the words of a law, knowledge of the structure of a law is still rare. The words, like ornaments, adorn the structure of a law. The words change; but the structure stays the same. Like the DNA of a cell, the structure of a law repeats itself over and over again in every instance of a law. To generate a law's meaning, both its words and structure cooperate. Anyone who wishes to push meaning into or pull meaning out of a law must be mindful of a law's structure. Any failure to respect the structure of a law generates inscrutable legalese and legal misunderstanding.

LEGAL THINKER

A Legal Thinker observes the process of making a law.

LEGS

The legs of the Triangle of a Law represent the relationships between a Lawmaker and a Source doing conduct and a Lawmaker and a Recipient receiving conduct. They illustrate two of the three focus (foci) of a Lawmaker. The focus of a Lawmaker can be upon 1) the Source doing conduct, 2) the Recipient receiving conduct or 3) imprecisely on neither or both of these.

LOOPHOLE
A loophole is a circumstance that, when added to the mix, changes one permutation of a law into another.

THE MAIN CLAUSE OF A THREE PART SENTENCE
The main clause of a three part sentence holds "the law". In it is a command, a permission, a right, a duty, a no-right or a privilege (no-duty). The other parts of a three part sentence are an if clause and an even though clause.

MAP
The boundaries that define a law have been discovered, explored and mapped. A Unified Theory of a Law is the map. Take it with you on your journey through the legal world.

MAY
The word, 'may', is a helping verb. It appears in sentences that are permissions and indicates what grammarians call the permissive mood. It is a clue to Deregulation.

METAPHOR FOR THE PROCESS OF MAKING A LAW
The image of the hands of a Lawmaker and conduct is a helpful metaphor for understanding the process of making a law. A Lawmaker is either "hands on" or "hands off". A "hands on" Lawmaker has her hands around conduct. She pushes conduct from a Source. She pulls conduct to a Recipient. A "hands on" Lawmaker is a Lawmaker who is regulating. A "hands on" Lawmaker does not leave conduct alone. A "hands off"

Lawmaker leaves conduct alone. There is no push. There is no pull. A "hands off" Lawmaker is a Lawmaker who is deregulating.

MODEL OF A LAW
In our heads is a model of law. We use it to makes sense of the laws we meet in the world. A high fidelity model gives us a fair and accurate representation of a law. A low fidelity model gives us only a poor approximation. *A Unified Theory of a Law* attempts to upgrade your model of a law. Note: the model of a law is akin to a noun and the techniques in the toolkit are akin to verbs.

NEGATIVE
Conduct is negative when its flow is off.

NOT
The word, 'not', changes the polarity of conduct to off from on.

'Not' also is a conjunction of Regulation joining together affirmative conduct and negative conduct and indicating the permutation not desired by a Lawmaker.

NO-DUTY
A no-duty is a vehicle that carries a Lawmaker's opinion to the citizenry. it is used when the focus of a Lawmaker is upon a Source. A Lawmaker binds a no-duty onto a Source. It is synonymous with a permission and a no-right. A no-duty, permission, and a no-right are the three vehicles of Deregulation. It means that a Lawmaker lacks a desire for a Source to do affirmative and lacks a desire for a Source to do negative conduct. Another word for a privilege is a privilege.

NO-RIGHT
A no-right is a vehicle that carries a Lawmaker's opinion to the citizenry. It is used when the focus of a Lawmaker is upon a Recipient. A Lawmaker

binds a no-right onto a Recipient. It is synonymous with a permission and a privilege (no-duty). A no-right, permission and a privilege (no-duty) are the three vehicles of Deregulation. It means that a Lawmaker lacks a desire that a Recipient receive affirmative and lacks a desire that a Recipient receive negative conduct.

OPINION

The first stage of the process of making a law consists of a Lawmaker forming an opinion with regard to conduct flowing from a Source to a Recipient through circumstances. The Lawmaker forms an opinion about both polarities of a flow of conduct. A broad focused Lawmaker can form the following opinions:

1. holds a desire for affirmative conduct
2. lacks a desire for affirmative conduct
3. lacks a desire for negative conduct
4. holds a desire for negative conduct

The opinions can be rewritten if the focus of the Lawmaker narrows to a Source doing conduct or a Recipient receiving conduct.

If the focus of a Lawmaker is narrowed to a Source, the opinions would look like

1. holds a desire for a Source to do affirmative conduct
2. lacks a desire for a Source to do affirmative conduct
3. lacks a desire for a Source to do negative conduct
4. holds a desire for a Source to do negative conduct

If the focus of a Lawmaker is narrowed to a Recipient, the opinions would look like

1. holds a desire for a Recipient to receive affirmative conduct
2. lacks a desire for a Recipient to receive affirmative conduct
3. lacks a desire for a Recipient to receive negative conduct
4. holds a desire for a Recipient to receive negative conduct

To have a permutation of a law, a Lawmaker must form an opinion about each of the polarities of conduct. A desire for affirmative conduct and a lack of desire for negative conduct constitute Affirmative Regulation. A lack of desire for affirmative conduct and a lack of desire for negative conduct constitute Deregulation. A desire for negative conduct and a lack of desire for affirmative conduct constitute Negative Regulation.

A legal thinker looks at both permutations of a law serially, i.e., first one then the other. The detection of the presence of a desire when looking at the first permutation is unambiguous. It definitively indicates Regulation. Why? A desire for one polarity of conduct and a desire for the other polarity of conduct cannot coexist. They are like matter and anti-matter. A Lawmaker cannot want you to do something and simultaneously want you to not do something. The absence of a desire, however, is ambiguous. The absence of a desire can coexist with both the presence of a desire and the absence of a desire for the opposite polarity. Hence, both polarities must be scrutinized when an absence of desire is first detected in order to determine the permutation of a law.

OR

'OR' is a conjunction of Deregulation joining together affirmative conduct and negative conduct and indicating that both permutations of conduct are available to a Source doing conduct.

PERMISSION

A permission is a vehicle that carries a Lawmaker's opinion to the citizenry. It is used when the focus of a Lawmaker is broad upon all of the conduct flowing from Source to Recipient through circumstances. It is synonymous with a privilege (no-duty) and a no-right, which are vehicles used when a Lawmaker narrows her focus. A permission, a privilege (no-duty) and a no-right are the three vehicles of Deregulation. It means that a Lawmaker lacks a desire for affirmative conduct and a Lawmaker lacks a desire for negative conduct.

PERMUTATION

Available to a Lawmaker with regard to any single instance of conduct flowing from a Source to a Recipient through circumstances are three permutations of a law: 1) Affirmative Regulation, 2) Deregulation or 3) Negative Regulation. A Lawmaker picks one of the three permutations of a law and rejects the other two during the process of making a law. There are not sixteen permutations; there are not six permutations; only three. Each permutation of a law consists of a combination of two opinions out of a total of four opinions. A Lawmaker can 1) hold a desire for affirmative conduct, 2) lack a desire for affirmative conduct, 3) lack a desire for negative conduct, 4) hold a desire for negative conduct. Opinions 1 and 3 constitute Affirmative Regulation. Opinions 2 and 3 constitute Deregulation. Opinions 4 and 2 constitute Negative Regulation.

Note:A Lawmaker can form any of four opinions. However, there are only three permutations of a law.

POLARITY

Polarity is the property of a flow of conduct from a Source to a Recipient through circumstances. The flow is binary either off or on. If on, the polarity of a flow of conduct is said to be affirmative. If off, the polarity of a flow of conduct is said to be negative.

Note: The word, 'not', changes the polarity of conduct from affirmative to negative.

PRIVILEGE
A privilege is a vehicle that carries a Lawmaker's opinion to the citizenry. it is used when the focus of a Lawmaker is upon a Source. A Lawmaker binds a privilege onto a Source. It is synonymous with a permission and a no-right. A privilege, permission, and a no-right are the three vehicles of Deregulation. It means that a Lawmaker lacks a desire for a Source to do affirmative and lacks a desire for for a Source to do negative conduct. Another word for a privilege is a no-duty.

PROCESS OF MAKING A LAW
The process of making a law consists of two stages. In the first stage, a Lawmaker forms an opinion about the polarities of conduct flowing from a Source to Recipient through circumstances. In the second stage, a Lawmaker externalizes the opinion by loading it onto a vehicle for conveyance to the citizenry.

PULL
Pull is a metaphor that explains what a Lawmaker does during Regulation with regard to a Recipient of conduct. A Lawmaker puts her hands on the conduct and pulls it toward the Recipient.

PUSH
Push is a metaphor that explains what a Lawmaker does during Regulation with regard to a Source of conduct. A Lawmaker puts her hands on the conduct and pushes it from the Source.

RECIPIENT
At one end of conduct flowing is a Recipient; at the other end is a Source. A Recipient is the destination of a flow of conduct. Conduct flows to a Recipient through circumstances. When conduct reaches a Recipient it is known as consequences. A Recipient exists in "the factual". A Recipient is

brought into the legal when a Lawmaker binds a right or a no-right to him.

REGULATION
Regulation comes in two flavors: 1) Affirmative Regulation and 2) Negative Regulation. Deregulation, Affirmative Regulation and Negative Regulation are the three permutations of a law. A Lawmaker applies one of the three permutations of a law to any single instance of conduct flowing from Source to Recipient through circumstances. In Affirmative Regulation, a Lawmaker holds a desire for affirmative conduct and lacks a desire for negative conduct. In Negative Regulation, a Lawmaker holds a desire for negative conduct and lacks a desire for affirmative conduct. In contrast, in deregulation, a Lawmaker lacks a desire for either polarity of conduct. The vehicles that convey Regulation are a command, duty and right. A Lawmaker issues a command and binds a duty to a Source doing conduct and a right to a Recipient receiving conduct. In Regulation, a Lawmaker is "hands on" grabbing conduct by the throat. The Lawmaker pushes conduct from a Source and pulls conduct to a Recipient. The Lawmaker does not leave the conduct alone. In Regulation, the Lawmaker does not delegate to the Source doing conduct the decision to engage in a course of conduct but reserves it to herself.

RIGHT
A right is a vehicle that carries a Lawmaker's opinion to the citizenry. it is used when the focus of a Lawmaker is upon a Recipient. A Lawmaker binds a right onto a Recipient. It is synonymous with a command and a duty. A right, command and duty are the three vehicles of Regulation. It means that a Lawmaker wants a Recipient to receive either affirmative or negative conduct.

SHALL
The word, 'shall', is a helping verb. It appears in sentences that are commands and indicates what grammarians call the imperative mood. It is a clue to Regulation.

SOURCE

At one end of conduct flowing is a Source; at the other end is a Recipient. A Source is the origin of a flow of conduct. Conduct flows from a Source. A Source exists in "the factual". A Source is brought into "the legal" when a Lawmaker binds a duty or a privilege (no-duty) to him.

SPECTRUM OF OPINIONS

In the process of making a law, a Lawmaker forms opinions about both polarities of conduct flowing from a Source to Recipient through circumstances. There are four possible opinions:

1. holds a desire for affirmative conduct
2. lacks a desire for affirmative conduct
3. lacks a desire for negative conduct
4. holds a desire for negative conduct

The four opinions can be viewed as a spectrum of opinions. The presence of a desire for affirmative conduct is at one end and the presence of a desire for negative conduct is at the other end. In the middle are an absence of a desire for negative conduct and an absence of a desire for affirmative conduct. It takes two of theses opinions to constitute a permutation of a law. Both polarities of conduct must be consider by a Lawmaker who is making a law. Affirmative Regulation occurs when a Lawmaker holds a desire for affirmative conduct and lacks a desire for negative conduct. Deregulation occurs when a Lawmaker lacks a desire for affirmative conduct and lacks a desire for negative conduct. Negative Regulation occurs when a Lawmaker holds a desire for negative conduct and lacks a desire for affirmative conduct.

SUBJECT OF A LAW

The subject of a law is conduct flowing from a Source to a Recipient through circumstances.

SYSTEM FOR UNDERSTANDING A LAW

A Unified Theory of a Law is a system for importing, processing and exporting a law. Most legal thinkers cannot articulate the system they use to manage legal meaning. Without a systematic approach to legal meaning, is it any wonder why legal misunderstanding is king? The boundaries that define a law have been discovered, explored and mapped. *A Unified Theory of a Law* is the map. Take it with you as you journey in the legal world

THE THREE PART SENTENCE

The three part sentence is ideally suited to convey a permutation of a law. A three part sentence has a main clause, an if clause and an even though clause. The main clause holds the vehicle that conveys the opinion of a Lawmaker, that is, the command, duty, right, permission, privilege (no-duty) or no-right. The if clause holds those circumstances necessary and sufficient for the main clause to operate. The even though clause holds those circumstances that do not matter.

TOKEN

A right, a duty, a no-right, and a privilege (a no-duty) are four tokens that a Lawmaker binds to a Source or a Recipient to indicate a Lawmaker's opinions about conduct flowing. They are vehicles that convey the opinion of the Lawmaker. A duty and a privilege (a no-duty) pertain to a Source doing conduct. A right and no-right pertain to a Recipient receiving conduct.

TOOLKIT OF TECHNIQUES

A Unified Theory of a Law offers the legal thinker a toolkit of techniques that, using the model of a law, does the actual importing, processing and exporting of legal meaning. The model of a law is akin to a noun and the techniques in the toolkit are akin to verbs.

TRIANGLE OF A LAW

The Triangle of a Law is a mnemonic. It helps a legal thinker to understand the relationships within a Unified Theory of a Law. The three major characters of a Unified Theory of a Law appear at the three corners of the

Triangle of a Law. At the acme of the Triangle of a Law is a Lawmaker. At one corner of its base is a Source doing conduct and at the other corner of its base is a Recipient receiving conduct. The base of the Triangle of a Law holds the facts arranged as conduct flowing from a Source to a Recipient through circumstances. From the acme, a Lawmaker despises the facts at the base and picks one of the three permutations of a law to apply to the facts. A Lawmaker transports a Source from the factual to the legal by binding to her either a duty or a privilege (no-duty). A Lawmaker transports a Recipient from the factual to the legal by binding to her either a right or a no-right.

THE TWO ENDS OF CONDUCT

Conduct has two ends. At one end is a Source; at the other end is a Recipient. The number of ends determines the number of parties involved in a case in Court.

UNIFIED THEORY OF A LAW

The boundaries that define a law have been discovered, explored and mapped. A Unified Theory of a Law is the map. Take it with you on your journey through the legal world.

UNDERSTANDING, THE FIRST COMMANDMENT OF

The first commandment of understanding holds that the finite is easier to understand than the infinite. We just cannot get our minds around the infinite. Hence, the trick to understand the infinite is to make the infinite finite. This is done by numbering. simply counting the ideas.

VEHICLE

A vehicle carries the opinion of a Lawmaker. There are six (6) vehicles. Three (3) vehicles pertain to Regulation and three (3) pertain to deregulation. The three vehicles that pertain to Regulation are 1) command, 2) duty, 3) right. They are synonymous. The three vehicles that pertain to Deregulation are 1) permission 2) privilege (no-duty), 3) no-right. They are synonymous. Three vehicles are needed to reflect the fact that the focus of a

Lawmaker shifts amongst the Source, the Recipient and the entire instance of conduct flowing from a Source to a Recipient through circumstances.

Test Your Legal Literacy by Answering One Question
Legal literacy is important especially for lawyers. Many who think themselves fluent in law are, in reality, merely semi-literate. Not you? Well, why don't you test your legal literacy? See for yourself where you stand.

The Question
Here is the question:

Is a motorist permitted to go through a green light?

The question seems easy. Without hesitation, we answer, **"Yes, of course, a motorist is permitted to go through a green light."** Although counter-intuitive, **the answer is wrong.**

THE LOGIC THAT TOOK US TO THE WRONG ANSWER
In the course of solving problems, we reach into a repertoire of techniques acquired over the years, pull one out and apply it. We repeat the process until a particular technique returns a satisfactory solution to the problem. One of the techniques that most of us have in our repertoire is the "not" technique. The word, 'not', has two functions: 1) it excludes an object from our consideration and 2) points to the other objects that belong to the same universe as the excluded object. In short, the word 'not' is 1) an excluder and 2) a pointer. Here is an example. Suppose an object is not green. The word, 'not', excludes green from our consideration and points to other color possibilities such as red, yellow, blue, etc.

It is this technique we use to answer the question of our legal literacy test.

We reason that either

1. a motorist is permitted to go through a green light or
2. a motorist is not permitted to go through a green light.

Of the two alternatives, the answer that better comports with our experience as a driver and a passenger is 'Yes, a motorist is permitted to go through a green light'. The alternative, 'No, a motorist is not permitted to go through a

green light' is rejected. It is at odds with our experience. We pick the best answer that our thinking technique offers us.

WHY THIS LOGIC TAKES US TO THE WRONG ANSWER

The 'not' technique, while useful, is flawed. It presupposes we understand the other objects that belong to the same universe as the object excluded from our consideration by the application of the word, 'not'. If we do not, the pointer function of the word, 'not', will not work. Many are led into error who are unaware that the 'not' technique harbors this flaw.

We understand the universe of colors so the pointer function of the word, 'not', when applied to the word, 'green', actually points to blue, yellow, etc. But, do we understand the universe of laws as well as our colors? When 'not' is applied to 'permitted' to what does the pointer point? What other laws occupy the same universe as a permission?

In trying to answer the question, 'Is a motorist permitted to go through a green light?', we consider a law that is a permission and then, by using the word, 'not', we exclude it from our consideration. But, 'not' is not just an excluder. 'Not' is also a pointer. It is supposed to point us to other laws. We reason that either

1. a motorist is permitted to go through a green light or
2. a motorist is not permitted to go through a green light.

Unfortunately, our understanding stops here at the exclusion function of the word, 'not'. The pointer function of the word, 'not' does not work because we are ignorant of the other objects that occupy the same universe as 'not' permitted.

We flunk the legal literacy test because our law schools have failed to teach us that: **a law that is not a permission is either an affirmative command or a negative command.**

As strange as this sounds, most lawyers have not been taught that there are

three permutations of a law. Not nineteen, not six, just three.

How about you? Did you answer the question correctly and for the right reasons? Or did you flunk? If you flunked, the next section is a short tutorial on the three permutations of a law: 1) the regulation of affirmative conduct, 2) deregulation and 3) the regulation of negative conduct. Then, in the section following the tutorial, having been enlightened, we run through the logic again.

THE UNIVERSE OF LAWS CONSISTS OF DEREGULATION, AFFIRMATIVE REGULATION AND NEGATIVE REGULATION

The key difference between a command and a permission is who makes the decision whether or not to engage upon a course of conduct: the Lawmaker or the Source doing conduct.

A permission to do negative or to do affirmative conduct is a law by which a Lawmaker delegates to a Source doing conduct the choice of whether or not to engage in a course of conduct. The Lawmaker "hands" are "off" the conduct flowing from Source to Recipient through circumstances. The Lawmaker does not grab it, does not push it from a Source and does not pull it to a Recipient through circumstances. The Lawmaker lets it alone. A permission indicates that a Lawmaker lacks a desire for the flow of conduct to be on and lacks a desire for the flow of conduct to be off.

A command, however, is a law that deprives a Source doing conduct of the choice of whether or not to engage in the conduct. The choice belongs to the Lawmaker not the Source. With a command, a Lawmaker reserves the choice to himself and attempts to substitute the Lawmaker's choice for the Source's choice. The Lawmaker does not let the conduct alone. The Lawmaker is "hands on". The Lawmaker grabs the conduct by the throat and manipulates its flow by pushing it from its Source and pulling it to its Recipient. A desire to turn on or a desire to turn off a flow of conduct from Source to Recipient through circumstances is present.

In summary, a Lawmaker who scrutinizes conduct flowing from Source to

Recipient through circumstances can apply any of three permutations of a law to it:

1. Affirmative Regulation: A Lawmaker is "hands on" grabbing, pushing and pulling to turn the flow of conduct on.
2. Deregulation: A Lawmaker is "hands off". There is no grabbing, pushing and pulling. The lawmaker leaves the conduct alone.
3. Negative Regulation: A Lawmaker is "hands on" grabbing, pushing and pulling to turn the flow of conduct off.

Just as red, green, blue, etc inhabit the universe of colors, inhabiting the universe of laws are the three permutations of a law.

THE LOGIC THAT TAKES US TO THE RIGHT ANSWER

A legal thinker enlightened by the discussion above arrives at a different answer to the question, 'Is a motorist permitted to go through a green light?'.

The legal thinker, however, starts reasoning from the same place.

We begin by reasoning that either

1. a motorist is permitted to go through a green light or
2. a motorist is not permitted to go through a green light.

Now, however, when we encounter a 'not', it does not just function as an excluder. Its function as a pointer now works. The universe of objects consists of the following three permutations of a law:

1. a Command ordering a motorist to drive through a green light.
2. a Permission allowing a motorist to drive through or stop at a green light.
3. a Command ordering a motorist to stop at a green light.

The 'not' was placed against permutation #2. This permutation, therefore, is excluded and the 'not' points to other two permutations. Permutations #3 is rejected because it defies our experience. A green light is for going not

stopping. Hence, by process of elimination, Permutation #1 is the only permutation left. The issue becomes

1. Is a Motorist commanded to drive through a green light or
2. Is a motorist permitted to drive through a green light

Which of the two permutations is the better answer? Are not both answers correct?

It is impossible for a Lawmaker to keep the decision whether to go or stop to himself and simultaneously delegate the decision to the motorist. It is either one or the other not both. At a red and at a green traffic light, motorists do not have a choice. The choice about going and stopping belongs to the Lawmaker not to the motorist. A Lawmaker cannot have a desire to turn on the flow of conduct and simultaneously lack a desire to turn on the flow of conduct. A Lawmaker cannot be "hands on" and simultaneously "hands off". It is either one or the other. A permission indicates that a Lawmaker has delegated the decision to the Motorist; a command indicates that the Lawmaker has reserved the decision to himself. Because a Lawmaker wants a Motorist to drive through a green light and does not want the motorist to stop at a green light, a command is issued instructing a motorist to go at a green light. Hence, of the three permutations of a law, the permutation that best comports with a thinker's experience as a driver and a passenger is now, 'A motorist is commanded to go through a green light.'

The deregulation of traffic lights is unwise as it invites collisions between motorists who would have permissions to go but travel in conflicting directions. This is the situation at a yellow traffic light. A yellow traffic light warns a motorist about the imminent change in the law from a command to go to a command to stop. During a yellow traffic light, a Lawmaker permits a motorist to go or stop. The decision belongs to the motorist. That a yellow traffic light signals a permission explains why a yellow traffic light only appears when a traffic light changes from green to red not from red to green. If it also appeared when a traffic light changed from red to green, yellow traffic lights would invite collisions due to dueling permissions for motorist traveling in conflicting directions.

Some of you who failed the legal literacy test will argue that the test was not substantive but merely semantic and you and I just possess a different definition of what is permissible. You can take comfort in this excuse or, instead, bring yourself to fully understand the difference amongst the three permutations of a law. There are real differences. Had the question of the legal literacy test been 'Is it legal for a motorist to go through a green light?', the answer would be Yes, it is. However, it is legal not because going through a green light is **permissible**. It is legal because going through a green light is **mandatory**. The lawmaker with jurisdiction over traffic lights has issued a command not a permission. There are two ways for conduct to be legal. Conduct is legal if it is done or not done in accordance with a permission or done or not done in accordance with a command. There is only one way for conduct to be illegal. Conduct is illegal if it is done or not done contrary to a command. **In short, going through a green light is not permissible; it's mandatory.** Yet, as simple as this sounds, those who failed the legal literacy test do not fully appreciate this distinction.

A LAWYER HAS NO EXCUSE

If you answered the question, 'Is a motorist permitted to go through a green light?' incorrectly but are not a lawyer you have an excuse. There is no excuse for a lawyer. Although the answer is counter-intuitive to the non lawyer, your law school ought to have taught you a simple legal principle:

a law that is not a permission is either a command for affirmative conduct or a command for negative conduct..

This is the lesson that the author of this article wants you to learn.

Since misery loves company, I tell you that you are not alone. Most lawyers - even the most successful - flunk this rudimentary legal literacy test.

Note: Do not be lulled into minimizing the magnitude of your misunderstanding by this article's fact pattern. Your misunderstanding is not confined to traffic lights. Unless corrected, your misunderstanding will metastasize into whatever fact pattern to which you take your legal thinking.

NOTE

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Hohfeld, The Two Meanings of Power and Toxic Derivatives

Isaac Newton is credited with saying "If I have seen further, it is by standing on the shoulders of giants." On the shoulders of Wesley Neccomb Hohfeld do I stand and to his genius I dedicate *A Unified Theory of a Law*. In 1913, Hohfeld submitted an article to the Yale Law Journal entitled, "Fundamental Conceptions as Applied to Judicial Reasoning" Although Hohfeld is indeed my intellectual ancestor, and his work inspired me to look at a law systematically, other than a shared use of the words, 1) right, 2) no-right, 3) duty, and 4) privilege, Hohfeld and I part company. Hohfeld felt the need to use four more words, 5) power, 6) disability, 7) liability and 8) immunity. I look at these last four as toxic derivatives. They hide rather than expose meaning.

Power has two meanings. One meaning comes into play before while the other comes into play after a law is born. The power to make laws is one meaning. Lawmakers such as the Congress of the United States have the power to make laws. However, there is another kind of power. When a law already exists, a person who controls a circumstances in the if clause of a law has a different kind of power. This is the second meaning of power. This second meaning does not exist unless and until a law exists.

Note:A person who controls a circumstance in the even though clause of a law has a Hohfeldian disability. Liability and Immunity pertain when the focus of the Lawmaker is upon the Recipient.

Vehicle for conveying the opinions of a Lawmaker are available within *A Unified Theory of a Law*. They make the opinion of the lawmaker manifest. There are nine vehicles for each of the nine shades of opinion.

To express affirmative regulation, three vehicles do the job:

1. a command for affirmative conduct
2. duty to do affirmative conduct

3. right to receive affirmative conduct

No other word or sentence is needed to express affirmative regulation.

To express deregulation, three vehicles do the job:

1. a permission for either polarity of conduct
2. privilege to do either affirmative or negative conduct
3. no-right to receive either affirmative or negative conduct

No other word or sentence is needed to express deregulation.

To express negative regulation, three vehicles do the job:

1. a command for negative conduct
2. duty to do negative conduct
3. right to receive negative conduct

No other word or sentence is needed to express negative regulation.

Hohfeld's power, disability, liability and immunity are not needed to capture anything that goes on during the lawmaking process. They are superfluous.

The Nature and Structure of a Legal Argument

In our adversarial system, sides are taken. Because conduct has two ends, there are commonly two sides. Sides can be taken to dispute the facts. Sides can be taken to dispute the law. Just as there are allegation of fact and evidence of fact, there are allegations of law and evidence of law. Let us look at the structure of a legal dispute.

Let us call one side the proponent of a permutation of a law or just a proponent of a law. Let us call the other side the opponent of a law. Each side has a legal hypothesis and has gathered evidence to support it. The hypothesis is the permutation of a law favored by one side. The supporting evidence is the statutes, cases, rules, and other precedent that support it. A Judge, like a scientist, weighs the evidence and deems a hypothesis valid and another invalid based on an inspection and weighing of the evidence.

Because we know that a Lawmaker has only three options - the three core permutations of a law - with regard to any particular flow of conduct from Source to Recipient through circumstances, it is easy to understand the legal argument.

The Universe of Possible Legal Arguments

Suppose a proponent argues for **affirmative regulation**. The opponent either argues for **deregulation** or for **negative regulation**.

Suppose a proponent argues for **deregulation**. The opponent either argues for **affirmative regulation** or for **negative regulation**.

Suppose a proponent argues for **negative regulation**. The opponent either argues for **deregulation** or for **affirmative regulation**.

These are the only possible legal arguments that can be made. It is really quite simple. The universe of possible legal arguments is really quite small.

John Bosco
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The Legal Literacy Project

An Application of the Theory: Thanatology

Introduction
THIS IS A DRAFT. IT IS A WORK IN PROGRESS. IT IS NOT FINISHED

Killing - an instance of conduct flowing from a Source to a Recipient through circumstances - has drawn the attention of Lawmakers since the dawn of lawmaking. One of the law's original top ten was, '**Thou shall not kill**', *(which, by the way, is a command requiring negative conduct)*. Even though '**Thou shall not kill**' appears unequivocal, there are those who advocate for deadly loopholes in the biblical command against killing. In certain circumstances — as barbaric as it sounds — they advocate for '**Thou may kill or not kill**' *(which is a permission allowing both polarities of conduct)* and for '**Thou shall kill**' *(which is a command requiring affirmative conduct)*. The proponents of killing are so fervent in their advocacy that one wonders whether they were given special access to the back of the tablets God gave to Moses on which the exceptions to '**Thou shall not kill**' might have been written.

A subset of the battle between good and evil is the battle between life and death. It is not inaccurate to say that those who support the permission, '**Thou may kill or not kill**' and the command, '**Thou shall kill**' have taken the side of death and those who support the command, '**Thou shall not kill**' have taken the side of life. Good versus Evil; Life versus death! What other controversy is more fundamental and profound for us mortals?

To truly appreciate the profundity of the battle between Good versus Evil and Life versus Death, ponder the effects of adding the following amendment to the United States Constitution: **"Thou shall not kill. No exceptions."** Who would support such an amendment? Who would oppose? Would a supporter be labeled an extremist? Would an opponent be considered reasonable? Ponder the effects and you will be astonished and horrified to discover that death has its own constituency!

Let us look at the battle between life and death in its various contexts. Let

us start with the facts.

The Facts

Let us begin by filling the general factual variables with particular values. **A Unified Theory of a Law** suggests that, although the number of facts is infinite, the best way to arrange them is as conduct flowing from a Source to a Recipient through circumstances. Therefore, obviously, the conduct is killing. The Source doing the killing is a killer. The consequence of killing is death. And the Recipient receiving killing is a victim. Hence, the facts consist of a flow of killing from a Killer to a Victim through circumstances. These facts occupy the base of **The Triangle of Law**.

Moreover, **A Unified Theory of a Law** teaches us that killing is mono-directional. It always flows from a Killer to a Victim never from a Victim to a Killer. In addition, killing has the property of polarity. The flow of killing is either on or off. When on, killing is affirmative conduct; when off, killing is negative conduct. There is no difference whatsoever between negative and affirmative killing other than its polarity.

What distinguishes killing are the circumstances that surround it and through which it flows.

Transition from the Facts to the Law

According to **A Unified Theory of a Law**, with regard to any conduct flowing from a Source to a Recipient through circumstances, there are three permutations of a law that a Lawmaker can apply to it. Not six; not four; just three.

Let us apply each of the three permutations of a law to killing.

Negative Regulation

Negative Regulation is one of the three permutations of a law.

Let us look at the **OPINIONS** of the Lawmaker engaged in negative regulation.

The two opinions that pair up to constitute negative regulation are

- a dislike of killing that produces a desire to turn the flow of killing off *(the negative conduct)* and
- a lack of like for killing from which a desire to turn the flow on is not produced.*(the affirmative conduct)*.

In negative regulation, a Lawmaker wants the polarity of the flow of killing to be off *(a neither focus)*. A Lawmaker does not want the Source to kill *(a source focus)*. A Lawmaker does not want the Recipient to be killed *(a focus on the Recipient)*.

Let us look at the **VEHICLES** a Lawmaker uses to convey the opinion.

In negative regulation, a Lawmaker issues a command to not kill *(neither focus)*. The command takes the form of *Thou shall not kill*. The word, 'shall', is the clue to regulation. A Lawmaker binds to the Source a duty not to kill *(a Source focus)*. The Lawmaker binds to the Recipient a right not to be killed *(a Recipient focus)*.

Let us look at **METAPHORS** applicable to negative regulation.

In negative regulation, a Lawmaker grabs onto conduct to turn off its flow. *(a neither focus)*. The "hands on" Lawmaker pushes the negative conduct from the Source *(a Source focus)* and pulls the negative conduct to the Recipient *(a Recipient focus)*.

Note:
Step Back and Take Notice of What Just Happened

It happened so smoothly that you may have missed it. In the exegesis on Negative Regulation above and with regard to the other two permutations of a law below, A Unified Theory of a Law systematically escorted you through four well-defined contexts: 1) opinion 2) vehicle 3) metaphor and 4) focus after having organized the facts. Is this significant? We can now "do law" according to a well defined plan. No longer will the legal thinker stumble from one context to another context like a drunk stumbling from bar to bar. We now have a mutual vocabulary with which to talk about a law in general. A law professor can instruct her students, for instance, to talk about a permutation of a law using the vehicles that convey a Lawmaker's opinion when the focus of a Lawmaker is upon a Recipient. A law student can answer a question by talking about the opinions of a Lawmaker when the focus of a Lawmaker is upon a Source. By knowing how to "do law" systematically, a legal thinker comes into possession of power. It is the power to address a legal problem purposefully according to a preexisting, well defined plan instead of haphazardly.

Note:
The role of the word 'not' in A Unified Theory of a Law
The word, 'not', has the slipperiest of meanings that escapes our grasp lest we handle it carefully. It appears in both the legal context and the factual context. 'Not' indicates negation. A negation has two functions: 1) to exclude and 2) to point.

In the factual context, the number of occupants in the universe of polarities of conduct is two: 1) affirmative conduct and 2) negative conduct. 'Not' excludes one of the two polarities of conduct from our consideration and points to the other polarity of conduct.

In the legal context, the number of occupants in the universe of permutations of a law is three: 1) affirmative regulation, 2) deregulation and 3) negative regulation. 'Not' excludes one of the three permutations and points to the other two. Moreover, In the legal context, the number of occupants in the universe of opinions of a Lawmaker is four. Two of the opinions contain 'not' within themselves. They are the 0 opinions. A 0

opinion excludes a 1 opinion of the same polarity and points to the other two opinions of the opposite polarity.

Lastly, the word 'not' appears in the vehicles of a Lawmaker. A command is a sentence that contain the word, 'shall'. A permission is a sentence that contain the word, 'may'. 'May' signifies an absence of intervention, that is, a "hands off" lawmaker. 'Shall' indicates the presence of intervention, that is, a "hands on" lawmaker. 'Not' has no bearing on the words, 'shall' or 'may' which belong to the "legal". 'Not' pertains to the polarity of conduct which belongs to the "factual". Many legal thinkers err when they see the word, 'not' in a vehicle of a Lawmaker and mistakenly think it applies somehow to 'shall' or 'may' instead of simply reversing the polarity of the conduct to off from on.

Deregulation
Deregulation is one of the three permutations of a law.

Let us look at the **OPINIONS** of the Lawmaker engaged in deregulation.

The two opinions that pair up in the head of a Lawmaker engaged in deregulation are

- a lack of a desire for killing *(the affirmative conduct)*.
- a lack of a desire for not killing *(the negative conduct)* and

In deregulation, a Lawmaker lacks a desire with regard to both polarities of conduct. On or off, a Lawmaker does not have a preference. A Lawmaker does not desire killing and does not desire not killing. *(a broad focus)*. A Lawmaker lacks a desire for the Source to kill and lacks a desire for the Source to not kill. *(a narrow focus on the Source)*. A Lawmaker lacks a desire for the Recipient to be killed and lacks a desire for the Recipient to be not killed *(a narrow focus on the Recipient)*. The Lawmaker is neutral,

indifferent and ambivalent. Killing or not killing, it makes no difference.

Let us look at the **VEHICLES** a Lawmaker uses to convey the opinions.

In deregulation, a Lawmaker issues a permission to kill or to not kill *(a broad focus)*. The permission takes the form of *Thou may kill or not kill*. The word, 'may', is the clue to deregulation. A Lawmaker binds to the Source a privilege (a no-duty) to kill or not to kill *(a narrow focus on the Source)*. The Lawmaker binds to the Recipient a no-right to be killed or not to be killed *(a narrow focus on the Recipient)*.

Let us look at **METAPHORS** applicable to negative regulation.

In deregulation, a Lawmaker does not take her hands and grab conduct in an attempt to manipulate its flow from a Source to a Recipient through circumstances. The Lawmaker leaves it alone. *(a broad focus)*. The "hands off" Lawmaker does not push either affirmative or negative conduct from the Source. *(a narrow focus on the Source)*. A "hands off" Lawmaker does not pull either affirmative or negative conduct to the Recipient *(a narrow focus on the Recipient)*.

Affirmative Regulation
Affirmative Regulation is one of the three permutations of a law.

Let us look at the **OPINIONS** of the Lawmaker engaged in affirmative regulation.

The two opinions that pair up in the head of a Lawmaker engaged in affirmative regulation are

- a desire for killing *(the affirmative conduct)* and
- a lack of desire for not killing *(the negative conduct)*.

In affirmative regulation, a Lawmaker wants the polarity of the flow of killing to be on *(a broad focus)*. A Lawmaker wants the Source to kill *(a*

narrow focus on the Source). A Lawmaker wants the Recipient to be killed *(a narrow focus on the Recipient)*.

Let us look at the **VEHICLES** a Lawmaker uses to convey the opinions.

In affirmative regulation, a Lawmaker issues a command to kill *(a broad focus)*. The command takes the form of *Thou shall kill*. The word, 'shall', is the clue to regulation. A Lawmaker binds to the Source a duty to kill *(a narrow focus on the Source)*. The Lawmaker binds to the Recipient a right to be killed *(a narrow focus on the Recipient)*.

Let us look at **METAPHORS** applicable to affirmative regulation.

In affirmative regulation, a Lawmaker takes her hands and grabs onto conduct in an attempt to manipulate its flow from a Source to a Recipient through circumstances. *(a broad focus)*. The "hands on" Lawmaker pushes the affirmative conduct from the Source *(a narrow focus on the Source)* and pulls the affirmative conduct to the Recipient *(a narrow focus on the Recipient)*.

Note:
When Bad Things Happen to Good Recipients
A Recipient does not cherish a right to be killed. Killing is conduct whose consequences are not pleasant for their Recipient. Yet, the facts remains that 1) the consequences of some conduct are indeed unpleasant to a Recipient and 2) a Lawmaker may want a Recipient to receive unpleasant consequences. What makes a right is not whether a Recipient is happy with the conduct and its consequences but whether a Lawmaker wants the Recipient to receive them. The consequences of conduct are either good, neutral or bad. A recipient of the consequences of conduct has a right if the lawmaker wants the Recipient to receive the consequences regardless of whether the consequences are good, neutral or bad. Hence, it cannot be universally said that a right is a good thing for a Recipient to have.

Whether good or bad depends on the underlying conduct and the consequences it brings to a Recipient. With killing, most Recipients would prefer to hold the right not to be killed

Transition from an Absence of Circumstances to the Presence of Circumstances.

Let us pause to review what has been accomplished so far lest you neglect to take notice. We have particularized the facts by adding particular values to the general factual variables. Then we ran the particularized facts through the three permutations of a law: 1) Affirmative Regulation, 2) Deregulation and 3) Negative Regulation. We saw that killing can be addressed by a Lawmaker in any of the foregoing three ways. There are no fourth or fifth ways. The universe of permutations consists of three and only three. Most importantly, all of this was done systematically.

Our next step is the addition of circumstances. Circumstances are the facts that surround a flow of conduct. They are the context through which conduct flows. It is the circumstances that make one killing different than another killing. It is the circumstances that drive a lawmaker to pick one of the three permutations of a law.

Some killing is viewed as legal, that is, it is done pursuant to the permission, 'Thou may kill or not kill' or pursuant to the command, 'Thou shall kill'. Other killing is viewed as illegal, that is, done in violation of the command, 'Thou shall not kill'

The Circumstances Through which Conduct Flows

Here is a chart linking a type of killing to its significant circumstance or circumstances.

Abortion	The victim is young between the age of conception and birth
Infanticide	The victim is young after birth but still an infant
Euthanasia	The victim is elderly
Self-defense	The victim was attacking the killer
Death Penalty	The victim is a heinous criminal; the killer is a government.
Deadly Force	The killer is a police officer.
War	The victim is an enemy; the killer is a government.
Homocide	The victim is another human being.
Mercy Killing	The victim is very ill.
Suicide	The victim is the killer.

A Review of Some of the Particular Types of Killing

In the following sections we shall review particular types of killing.

Abortion

One of the factual parts of a law is the Recipient of conduct. In the case of killing, we call the Recipient of killing a Victim. Killing becomes abortion when the age of victim is between conception and birth. Other types of killings where the age of the victim is a significant enough characteristic to earn it its own name are infanticide *(the victim is born but young)* and *euthanasia (the victim is old)*.

A lawmaker can address the flow of conduct known as abortion with any of three permutations of a law. The three permutations are

- negative regulation,'Thou shall not kill'
- deregulation, 'Thou may kill or not kill' or
- affirmative regulation, 'Thou shall kill'

However, in the debate over abortion in the United States, no faction advocates that affirmative regulation, *'Thou shall kill'* ought to be the law of the land. This is an issue in China with its one birth policy. The issue in the United States is between those who advocate for negative regulation, *'Thou shall not kill'* versus those who advocate for deregulation, *'Thou may kill'*

With a permission, the decision whether or not to embark upon a course of conduct shifts from the Lawmaker to the Source doing conduct. The Source has the choice between affirmative conduct and negative conduct. The lawmaker does not substitute its own decision for the decision of the Source of conduct. This is true anytime a lawmaker issues a permission. The significance of a permission is that the mother makes the decision whether or not to engage in the conduct not the government. The propagandists for those who favor the permission to kill in the context of abortion have seized upon this aspect of lawmaking and use it as their rallying cry calling themselves pro-choice.

With a command, decision making shifts to the Lawmaker from the Source. The Source does not get to make the choice about the polarity of conduct. The Lawmaker substitutes its own decision for the decision of the Source. This is true anytime a Lawmaker issues a command. The significance of a command is that the government makes the decision about whether or not to engage in the conduct not the mother. The propagandists for those who

favor the command not to kill in the context of abortion use the label pro-life as their rallying cry.

The abortion debate can be examined from the perspective of both the Source of conduct and the Recipient of the consequences of conduct. This is focus shift. Let us assume that the Source is a mother and the Recipient is her baby. The issue in the abortion debate in the United States can be formulated as follows with the focus of the Lawmaker on the mother:

- A mother has a duty not to kill her baby.
- A mother has a privilege to kill or not kill her baby.

The issue in the abortion debate in the United States can be formulated as follows with the focus of the Lawmaker on the baby:

- A baby has a right not to be killed
- A baby has no-right to be killed or not killed.

Let us examine more closely the distinguishing circumstance of abortion: that the victim is below a designated age.

Even the advocates of death by abortion agree that, upon birth, a mother has a duty not to kill her baby. It is the period of human life before birth that is significant in the abortion debate. The advocates of death favor a period of vulnerability during which a mother has the privilege to kill her baby. The advocates of life oppose a period of vulnerability. They hold the opinion that a mother has a duty not to kill her baby even though the baby has not yet progressed to birth. Keep in mind that the phrase 'period of vulnerability' has both factual and legal connotations. It is called a period of vulnerability because, during it, a baby has no-right to life and a mother has a privilege to kill. However, to be a period, it must have a beginning and an end and they must be fixed in 'the factual'. The beginning is easy and that is conception. However, within the debate for and against a period of vulnerability is a sub-debate over where to locate the end point of the period of vulnerability. The end point is a turning point. It is a location in the life of a baby where the mother's privilege to kill her baby turns into a duty not to kill. At the turning point, the period of vulnerability ends and a period of invulnerability begins. The advocates of life hold the opinion that the

turning point is the moment of conception. There is no period of vulnerability. The advocates of death hold the opinion that the end point is somewhere further into the life of a baby somewhere between conception and birth.

In evaluating the merits and demerits of an abortion law, one must ask why does a human who has escaped the period of vulnerability deserve a right to life while a human still trapped within the period of vulnerability is unworthy of it? What changes? What happens at the turning point that makes a lawmaker who has withheld his protection from a baby suddenly give a baby protection? Why treat a mother differently who kills her baby after the period of vulnerability ends - a horror viewed as the ultimate betrayal and perfidy - than during the vulnerability period? These are the hard questions that *A Unified Theory of a Law* can only raise but cannot answer. The answer arises not out of *A Unified Theory of a Law* but out of our hearts and souls.

Let us now re-examine the abortion issue by making the source of killing be a stranger instead of a mother. Does the stranger enjoy the privilege to kill the baby or is the stranger burdened by the duty not to kill and why? Some advocates of death would set the value of the life of baby within the period of vulnerability to naught. They would extend the privilege to kill to everyone fearing that to claim the life of a baby has any value would jeopardize a mother's privilege to kill her baby. Other advocates of death would disagree. They would say that indeed the life of a baby has value especially vis-à-vis a stranger. Vis-à-vis a stranger there is no period of vulnerability and a stranger has a duty not to kill a baby. They would not want a Lawmaker to sit on the sidelines when such a killing occurs. Only the mother can decide that other considerations have a greater value than the life of the baby and the Lawmaker ought to respect the mother's decision no matter which polarity of conduct she chooses.

In summary, if the abortion debate was looked at as a battle between the advocates of life and the advocates of death, the supporters of abortion advocate the permission, 'Thou may kill' and the opponents advocate the command,'Thou shall not kill'. Those who resort to labels classify the supporters of abortion as liberals and the opponents of abortion as

conservatives. Yet, it is generally stated that the test that distinguishes a conservative from a liberal is the quantity of governmental intrusion into the lives of the citizenry that the person desires. A conservative wants less; a liberal more. Hence, conservatives favor permissions over commands because with a permission there is no governmental intrusion into an a citizen's decision making process. With a command, the government intrudes substituting its opinion for a citizen's. Yet, in the abortion debate, it is the so-called liberals who favor the permission and the so called conservatives who favor the command. Conventional wisdom tells us that the permission ought to be favored by conservatives and the command by the liberals. Labels, I guess, can be misleading.

The Death Penalty

The permutations of a law in controversy in the battle between life and death in the death penalty context are different than in the abortion context.

In the abortion context, the controversy is between Negative Regulation, *'Thou shall not kill.'* and Deregulation, *'Thou may kill.'* . Those on the side of death are in favor of deregulation; those on the side of life are in favor of negative regulation.

In the death penalty context, those on the side of life still advocate for Negative Regulation, *'Thou shall not kill.'* . However, those on the side of death do not advocate for deregulation but for Affirmative Regulation, *'Thou shall kill.'*

Death once again attracts allies from amongst us mortals. *'Off with their heads'* is death's battle cry.

Let us illustrate the virtue of the three part sentence here.

Even though a killer is mentally deficient, the government has a duty to impose the penalty of death if the killer committed a heinous crime. This is the position of some who advocate for the death penalty.

If the killer is mentally deficient, the government has a duty not to impose the death penalty, even though the killer committed a heinous crime. This is

the position advocated by opponents of the death penalty.

Notice how the circumstances jumped from the 'if' to the 'even though' clauses and from the 'even though' to the 'if' clauses as the main clause changed. This is the formula for showing the opposite position.

In contrast to the abortion debate, in the death penalty debate, conventional wisdom works. The conservatives favor the permission; the liberals favor the command. Yet, now, the conservatives are on the side of death and the liberals on the side of life. Liberals advocate in the context of the death penalty that the victim has a right not be killed, i.e. for a command. Conservatives advocate that the victim has no-right not to be killed, i.e., for a permission.

In the battle between good and evil, there are advocates of death and advocates of life. Oddly, not all mortals support the law, 'Thou shall not kill.' Some believe that 'Thou may kill' or 'Thou shall kill.'. Both conservatives and liberals according to the circumstances ally themselves with Death. Few are, across the board, allies of Life. Many of us presume to have the wisdom to know when it is good to be on Death's side. Death, however, is not as loyal and often treacherously turns around to bring its erstwhile allies to perdition.

CONCLUSION

When the need to address the facts and the law arises, legal thinkers with a system have an advantage over legal thinkers without a system. Legal thinkers with a system simply apply their system to the facts and the law to arrive at a solution to the problem. Legal thinkers without a system must improvise. They reinvent the wheel again and again. They come up with ad hoc solutions to problems.

What type of legal thinker are you? Do you have or lack a system? If you think you have a system, sit down and write it down now. If you cannot articulate it, you do not have a system. If you lack a system, may I recommend *A Unified Theory of a Law* to you. The boundaries that define a law have been discovered, explored and mapped. *A Unified Theory of a Law* is the map.

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An Application of the Theory: Evidence Part 1

The Example
At this juncture, an example showing the nitty gritty of making a law may be helpful. Let us examine the making of a law of evidence.

Four Objects ought to be kept in mind in the process of making a law
Four objects need to be kept in mind in the process of making a law. The one factual object which is a flow of conduct from Source to Recipient through circumstances and the three legal objects which are the three permutations of a law.

The Initial Legal Mindset
A Unified Theory of a Law recommends that the legal thinker begin an acquisition of the meaning of a law with the three core permutations of a Law in mind:

- regulation of affirmative conduct
- deregulation
- regulation of negative conduct

The Initial Factual Mindset
Moreover, identify both polarities of a flow of conduct from Source to Recipient in circumstances, that is, the affirmative conduct and the negative conduct. Do not work with just one polarity alone.

The Characters on the Factual Stage
Onto the stage let us meet three characters:

- a proponent of an item of evidence
- an opponent of an item of evidence and
- a judge who rules on whether the item of evidence is admissible.

The Conduct on the Factual Stage

Let us identify the conduct to be the rulings of a Trial Judge. The affirmative conduct is the admission of an item into evidence and the negative conduct is the exclusion of an item from evidence. The Source doing conduct is, obviously, a Trial Judge.

Application of the Law to the Facts

A Unified Theory of a Law teaches that the three core permutations of a Law available for application to this flow of conduct from Source to Recipient in the circumstances are the following.

1. A Lawmaker wants the Trial Judge to admit an item into evidence (affirmative regulation)
2. A Lawmaker wants the Trial Judge to exclude an item from evidence (negative regulation)
3. A Lawmaker lacks the desire for the Trial Judge to admit an item into evidence and lacks a desire for the Trial Judge to exclude an item of evidence (deregulation)

For those keeping track of our location within *A Unified Theory of a Law*, the three core permutations of a law above are expressed as opinions not vehicles when the focus of the Lawmaker is broad spanning the entire flow of conduct from Source to Recipient in circumstances. The three core permutations of a law could alternately be expressed using vehicles not opinions and from the other two focuses (foci) of the Lawmaker.

The Proponent
The hypothesis advocated by the proponent is that the trial judge has a duty to admit an item into evidence (affirmative regulation).

A Proponent must prove his hypothesis by citation to Statutes, Judicial Opinions and other precedents.

For those keeping track of our location within *A Unified Theory of a Law*, we have been using vehicles not opinions of a Lawmaker whose focus is upon the Source of conduct.

The Opponent
The hypothesis of the opponent is that the trial judge has a duty to exclude an item from evidence (negative regulation).

An Opponent must prove his hypothesis by citation to Statutes, Judicial Opinions and other precedents.

For those keeping track of our location within *A Unified Theory of a Law*, we have been using vehicles not opinions of a Lawmaker whose focus is upon the Source of conduct.

The Trial Judge
To prevent the abuse of power, we enmesh our trial judges within a web of laws. In other words, we fetter their discretion. We prefer the rule of laws rather than the rule of a tyrant. The law of evidence informs a trial judge with regard to her rulings on the admission and exclusion of evidence.

The Trial Judge, like a scientist, will test the hypothesis of the proponent and the opponent of an item of evidence. Then the Trial Judge will pick one permutation of a law and reject the other.

Notice that neither the proponent nor the opponent advocate Deregulation.

Leaving the ruling on the admission and exclusion of an item of evidence to the discretion of the Trial Judge would be absurd. There would be no certainty in the law of evidence. Without certainty, the proponent, the opponent, future litigants and trial judges would be lost. The trial judges would have absolute power. Lord Acton would not be pleased.

Note:"I cannot accept your canon that we are to judge Pope and King unlike other men with a favourable presumption that they did no wrong. If there is any presumption, it is the other way, against the holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. All power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority: still more when you superadd the tendency or certainty of corruption by full authority. There is no worse heresy than that the office sanctifies the holder of it. " John Emerich Edward Dalberg-Acton

Every trial judge ought to be reminded of this. A trial judge is a servant of the law not a king of the law. Unfortunately, not a few deem themselves king instead of servant, above the rule of law rather than enmeshed within it.

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An Application of the Theory: Evidence Part 2

THE LAW OF EVIDENCE

The decision whether or not to admit the evidence was within the sound discretion of the trial court and we will not upset it. --- a learned appellate court

The foregoing pronouncement from a learned appellate court who shall remain anonymous sounds eminently judicial. But it is defective. Does your 'theory of a law' expose the defect? Does your 'theory of a law' tell you why this seemingly reasonable appellate pronouncement is nothing more than gobbledygook whose introduction into our minds gums up the spinning gears of legal thinking and brings them to an awkward halt?

Evidence and censorship go hand in hand. Not all information goes to the jury. When it comes to evidence, a trial judge serves as a Censor admitting and excluding evidence. Because in America we respect the rule of law. we deem it wise to wrap our politicians judicial and otherwise within a web of laws. The idea is to suppress arbitrariness and the abuse of power. In the context of evidence, the rule of law is called the law of evidence.

In thinking about evidence it is easier on the head to start with the arguments of the proponent and opponent of an item of evidence. The arguments are very simple and invariably assume the following pattern.

Table #1

The Arguments for and againstthe Admissibility of Evidence		
	The Argument of the Proponent	The Argument of the Opponent

the factual premise	An item of Evidence	
the legal premise	a law of evidence that calls for the admission of an item of evidence	a law of evidence that calls for the excusion of an item of evidence
Conclusion	the trial judge admits the item of evidence	the trial judge excludes the item of evidence

This pattern of thinking has been around since the days of Aristotle and is known as a syllogism. It is a thinking technique that most of us have in our repertoire of thinking techniques whether we realize it or not. A syllogism is akin to a path and a destination. The path, however, is not geographical but logical. We travel on the path and it takes us to a destination. The path consists of a series of steps called premises. The destination is called a conclusion. Sometimes the path leads us to the destination we expected. At other times, the path leads elsewhere. An important corollary to the foregoing is the axiom that taking same path will always you lead to the same destination. To go to a different destination, a different path must be taken. In other words, given the same legal premise and the same factual premise, the ruling of any trial judge must necessarily be the same. To reach a different conclusion, one of the two premises must change. This is simple and ineluctable logic.

Whether a legal thinker uses a theory of a law or just flies by the seat of his pants without a theory of a law, it becomes necessary in the normal course of doing law to formulate the facts. Formulating the facts is another well-defined technique in the tool kit that comes with A Unified Theory of a Law. A Unified Theory of a Law teaches that it is best to formulate the facts as a flow of conduct from Source to Recipient in circumstances. This is its factual mantra. (**Repeat it over and over again until it easily flows from your lips)**.

Moreover, by starting with this general factual mantra, we become able to employ another technique in the toolkit of A Unified Theory of a Law called particularization. A flow of conduct from Source to Recipient in

circumstances can be thought of as a collection of variables. Into the variables we can place values. The placement of a value in a variable particularizes the general. Think of it as the substitution of the particular for the general.

Table #2

The Particularization Technique	
General	Particular
Conduct	offering an item into evidence
Source	the proponent
Recipient	the opponent
Circumstances	

The flow of conduct from Source to Recipient in circumstance consists of a Proponent offering an item into evidence. We need not particularize the circumstances at this time.

One the facts have been formulated, we can turn our attention from the facts to the law. A Unified Theory of a Law teaches that, in the process of making a law, a lawmaker can form any of three opinions about the facts. Not sixteen. Not eleven. Not six. Just three. Each of the three opinions has its own name: The three opinions are called affirmative regulation, deregulation and negative regulation. Think of a spectrum. On one end is like and on the other end is dislike. In the middle is indifference. A Lawmaker who likes a flow of conduct and wants to turn the flow of conduct from Source to Recipient on holds the opinion called affirmative

regulation. A Lawmaker who dislikes a flow of conduct and wants to turn the flow of conduct from Source to Recipient off holds the opinion called negative regulation. An indifferent lawmaker does not care whether or not the flow of conduct is on or off and holds the opinion called deregulation. The vehicle that conveys Affirmative Regulation is a command for affirmative conduct; the vehicle that conveys Negative Regulation is a command for negative conduct; the vehicle that conveys Deregulation is a permission for either affirmative or negative conduct.

Table #3

The Three Permutations of a Law	
Affirmative Regulation	A Proponent has a duty to offer an item into evidence
Deregulation	A Proponent has a privilege to offer or not offer an item into evidence
Negative Regulation	A Proponent has a duty to not offer an item into evidence

The above table depicts the three vehicles that convey the opinion of a Lawmaker whose focus is upon the Source of Conduct during the Externalization stage of the process of making a law. To understand what this means you need to go back and read A Unified Theory of a Law. Yet, even if you are too lazy to learn A Unified Theory of a Law, the above table will make sense even without knowing why because it is a fair and accurate representation of the laws that run around outside our heads in the world.

The next task we face is to pick the permutation championed by the proponent and the permutation championed by the opponent of the item of

evidence. Not all three permutations are in play. Only two are in play. The struggle is a 'forbidden/allowed' struggle. The opponent picks negative regulation. The applicable law of evidence is the proponent is forbidden to present the item into evidence. In other words, the proponent has a duty not to present an item of evidence. The proponent picks deregulation. The applicable law of evidence is the proponent is allowed to present the item into evidence. In other words, the proponent has a privilege to present an item of evidence. "You're forbidden. I'm allowed. You are not. I am too" is the childish version of the struggle between the proponent and opponent of the item of evidence.

The trial judge decides whether the proponent's allegation of law of the opponent's allegation of law is correct.

Because the trial judge plays a role with regard to an item of evidence, it is possible to formulate the facts in an alternative, though equivalent, manner.

Table #4

The Particularization Technique	
General	Particular
Conduct	ruling whether to admit or exclude an item of evidence
Source	the trial judge
Recipient	
Circumstances	

Let us leave the Recipient and circumstances empty for now.

This is a valid alternate formulation of the facts. It is how the learned appellate court formulated the facts. Using this formulation of the facts, let us depict the three permutations of a law applicable to them.

Table #5

The Three Permutations of a Law	
Affirmative Regulation	A trial judge has a duty to admit an item into evidence
Deregulation	A trial judge a privilege to admit an item into evidence or exclude an item from evidence at her discretion.
Negative Regulation	A trial judge has a duty to exclude an item from evidence

Under this alternate formulation of the facts, what permutations of a law would be argued by the proponent and opponent of the item of evidence? The proponent would argue that the trial judge had a duty to admit the item into evidence and the opponent would argue that the trial judge had a duty to exclude the item from evidence. The privilege to admit or exclude according to the trial judge's discretion would not be championed by any party to the controversy.

Yet in its pronouncement, the learned appellate court picked the option not championed by either of the parties to the controversy. The learned appellate Court gave the trial court the privilege to admit or exclude the item of evidence according to the whim of the trial court. Deregulation was

not even a horse in the race yet, sua sponte, the learned appellate court made it the winner. The problem with making deregulation the winner is that the proponent of the item of evidence, the opponent, future litigants who are educated by precedent and even trial judges themselves need certainty in order to do their jobs and, therefore, want definitive instructions with regard to the item of evidence. Picking deregulation as the winner is the antithesis of certainty and the apotheosis of uncertainty. The flaw in the pronouncement of the learned appellate court was it brought deregulation into a picture in which, under its formulation of the facts, only affirmative regulation and negative regulation belonged

The Technology that Makes Legal Understanding Instantaneous and Transportable

A Unified Theory of a Law has advanced the science of law by exploiting a simple, proven technology that makes it easy for meaning to be understood.

Consider the traffic light at an intersection. It is easy to understand what a traffic light is trying to tell us. Why is it not as easy to understand the meaning of a law? What magic does a traffic light contain that a law does not? Traffic lights are all the same, you say, and our laws are not. Yes, you are closer to the magic. Sameness is the key. But, can we articulate exactly what is the same about traffic lights? More importantly, after we discover the magic, can we exploit it? Can we abstract the magic from traffic lights and apply it to our laws so our understanding of our laws becomes, like our understanding of traffic lights, both instantaneous and transportable?

Traffic lights are one of our most highly successful communicators of meaning because each traffic light employs the same, simple communication strategy. In each traffic light is

a framework of variables that transfer pre-defined, well understood meaning to the values plugged into the variables.

The foregoing, simple communication strategy is the technology that *A Unified Theory of a Law* exploits to make the importation, processing and exportation of legal meaning both instantaneous and transportable.

The variables of a a traffic light are

- a green light
- a yellow light
- a red light

Motorists learn that a green light variable means 'go', a red light variable means 'stop' and a yellow light variable means 'caution'. This is constant

and known by motorists in advance.

The only value plugged into the variables of a traffic light is illumination. Illuminating the green light tells a motorist to go. Illuminating the red light tells a motorist to stop. Illuminating the yellow light tells a motorist to be cautious. The illumination takes on the meaning of the variables.

The meaning of an illuminated traffic light is instantaneously understood. Moreover, our instantaneous understanding transports itself from traffic light to traffic light.

The same strategy of communication is employed in the scoreboard at a sporting event. Because meaning is organized on a scoreboard as a framework of variable whose meaning is pre-defined and well understood, by glancing at a scoreboard, fans instantaneously understand the status of a game. Moreover, fans get the same instantaneous understanding as they travel from ballpark to ballpark because each scoreboard is organized in the same way,

Motorist and athletic fans enjoy the twin benefits of instantaneous and transportable understanding via a communication strategy that employs a framework of variables whose meaning is constant and well-understood.

Why not lawyers?

Wouldn't it be nice to bring the twin benefits of instantaneous and portable understanding to our laws?

Can we take the communication strategy of traffic lights and scoreboards, to wit,

a framework of variables that transfer pre-defined, well understood meaning to the values plugged into the variables.

and exploit it by building our laws around it?

Yes, we can!

A Unified Theory of a Law brings to our laws a framework of variables that transfer pre-defined, well understood meaning to the values plugged into the variables. When the particular words of a law are plugged into the variables, the meaning of the variables is transferred to them. With *A Unified Theory of a Law* legal understanding becomes instantaneous and transportable.

There are a handful of variables in *A Unified Theory of a Law*. Anyone can understand a mere handful of variables especially when they are not randomly presented but are systematically arranged into a coherent legal ideology.